

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

IN RE: NATIONAL PRESCRIPTION  
OPIATE LITIGATION

MDL No. 2804

This document relates to:

Master Docket No.:  
1:17-MD-02804-DAP

*The County of Summit, Ohio v. Purdue  
Pharma L.P., et al.*  
Case No. 18-op-45090-DAP (N.D. Ohio)

Hon. Judge Dan A. Polster

**DEFENDANT INSYS THERAPEUTICS, INC.'S ANSWER TO PLAINTIFFS'  
(CORRECTED) SECOND AMENDED COMPLAINT AND JURY DEMAND**

Defendant INSYS Therapeutics, Inc. ("Insys"), by its attorneys Holland & Knight LLP, as and for its Original Answer to Plaintiffs' Corrected Second Amended Complaint and Jury Demand [Doc. 514] ("Complaint"), respectfully alleges as follows, and, per Federal Rule of Civil Procedure 8(b)(3), denies all allegations of the Complaint not expressly admitted herein:

1. Insys denies the allegations set forth in paragraph 1 of the Complaint that pertain to it.

**INTRODUCTION**

2. Insys denies the allegations set forth in paragraph 2 of the Complaint.

3. Insys denies the allegations set forth in paragraph 3 that pertain to it.

4. Insys denies the allegations set forth in paragraph 4 that pertain to it. To the extent the allegations set forth in paragraph 4 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 4 of the Complaint.

5. Insys denies the allegations set forth in paragraph 5 that pertain to it. To the extent the allegations set forth in paragraph 5 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys

denies those allegations set forth in paragraph 5 of the Complaint.

6. Insys denies the allegations set forth in paragraph 6 of the Complaint.

7. Insys denies the allegations set forth in paragraph 7 of the Complaint.

8. Insys avers that the source material cited in paragraph 8, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent an answer is required, Insys denies the allegations set forth in paragraph 8 of the Complaint, but admits that the President declared a public health emergency related to opioids.

9. The allegations set forth in paragraph 9 of the Complaint contain legal conclusions to which no response is required. Insys denies the allegations set forth in paragraph 9 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 9 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 9 of the Complaint.

10. Insys denies the allegations set forth in paragraph 10 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 10 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 10 of the Complaint.

11. Insys denies the allegations set forth in paragraph 11 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 11 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 11 of the Complaint.

12. Insys denies the allegations set forth in paragraph 12 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 12 of the Complaint are specific to

Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 12 of the Complaint.

13. Insys denies the allegations set forth in paragraph 13 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 13 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 13 of the Complaint.

14. Insys denies the allegations set forth in paragraph 14 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 14 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 14 of the Complaint.

15. Insys denies the allegations set forth in paragraph 15 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 15 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 15 of the Complaint.

16. Insys denies the allegations set forth in paragraph 16 of the Complaint.

17. Insys denies the allegations set forth in paragraph 17 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 17 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 17 of the Complaint.

18. Insys denies the allegations in paragraph 18 that pertain to it. To the extent the allegations set forth in paragraph 18 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 18 of the Complaint. Insys avers that the source

material cited in paragraph 18 and footnote 3, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 18 and footnote 3 requires response, Insys denies the allegations.

19. Insys denies the allegations in paragraph 19 that pertain to it. To the extent the allegations set forth in paragraph 19 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 19 of the Complaint. Insys avers that the source material cited in paragraph 19 and footnote 4, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 19 and footnote 4 requires response, Insys denies the allegations.

20. Insys denies the allegations set forth in paragraph 20 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 20 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 20 of the Complaint.

21. Insys denies the allegations set forth in paragraph 21 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 21 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 21 of the Complaint.

22. Insys denies the allegations set forth in paragraph 22 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 22 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an

answer is required, Insys denies those allegations set forth in paragraph 22 of the Complaint.

23. Insys denies the allegations set forth in paragraph 23 of the Complaint.

24. Insys denies the allegations set forth in paragraph 24 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 24 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 24 of the Complaint.

### **JURISDICTION AND VENUE**

25. The allegations set forth in paragraph 25 of the Complaint contain legal conclusions to which no response is required. To the extent a response is required, Insys disputes that this paragraph is an accurate and complete characterization of the law, and therefore denies the allegations set forth in this paragraph.

26. The allegations set forth in paragraph 26 of the Complaint contain legal conclusions to which no response is required. To the extent a response is required, Insys disputes that this paragraph is an accurate and complete characterization of the law, and therefore denies the allegations set forth in this paragraph.

27. The allegations set forth in paragraph 27 of the Complaint contain legal conclusions to which no response is required. To the extent a response is required, Insys disputes that this paragraph is an accurate and complete characterization of the law, and therefore denies the allegations set forth in this paragraph.

## **PARTIES**

### **I. PLAINTIFFS**

28. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 28 of the Complaint, and therefore denies those allegations.

29. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 29 of the Complaint, and therefore denies those allegations.

30. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 30 of the Complaint, and therefore denies those allegations.

31. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 31 of the Complaint, and therefore denies those allegations.

32. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 32 of the Complaint, and therefore denies those allegations.

33. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 33 of the Complaint, and therefore denies those allegations.

34. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 34 of the Complaint, and therefore denies those allegations.

35. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 35 of the Complaint, and therefore denies those allegations.

36. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 36 of the Complaint, and therefore denies those allegations.

37. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 37 of the Complaint, and therefore denies those allegations.

38. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 38 of the Complaint, and therefore denies those allegations.

39. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 39 of the Complaint, and therefore denies those allegations.

40. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 40 of the Complaint, and therefore denies those allegations.

41. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 41 of the Complaint, and therefore denies those allegations.

42. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 42 of the Complaint, and therefore denies those allegations.

43. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 43 of the Complaint, and therefore denies those allegations.

44. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 44 of the Complaint, and therefore denies those allegations.

45. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 45 of the Complaint, and therefore denies those allegations.

46. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 46 of the Complaint, and therefore denies those allegations.

47. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 47 of the Complaint, and therefore denies those allegations.

48. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 48 of the Complaint, and therefore denies those allegations.

49. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 49 of the Complaint, and therefore denies those allegations.

50. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 50 of the Complaint, and therefore denies those allegations.

51. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 51 of the Complaint, and therefore denies those allegations.

52. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 52 of the Complaint, and therefore denies those allegations.

53. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 53 of the Complaint, and therefore denies those allegations.

54. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 54 of the Complaint, and therefore denies those allegations.

55. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 55 of the Complaint, and therefore denies those allegations.

56. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 56 of the Complaint, and therefore denies those allegations.

57. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 57 of the Complaint, and therefore denies those allegations.

58. Insys denies the allegations set forth in paragraph 58 of the Complaint.

59. Insys denies the allegations set forth in paragraph 59 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 59 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 59 of the Complaint.



60. Insys denies the allegations set forth in paragraph 60 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 60 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 60 of the Complaint.

61. The allegations set forth in paragraph 61 of the Complaint contain legal conclusions to which no response is required. To the extent that a response is required, Insys denies the allegations set forth in paragraph 61 of the Complaint.

62. The allegations set forth in paragraph 62 of the Complaint contain legal conclusions to which no response is required. To the extent that a response is required, Insys denies the allegations set forth in paragraph 62 of the Complaint.

## **II. DEFENDANTS**

### **A. Marketing Defendants**

63. Insys denies the allegations set forth in paragraph 63 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 63 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 63 of the Complaint.

#### **1. Purdue Entities**

64. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 64 of the Complaint, and therefore denies those allegations.

65. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 65 of the Complaint, and therefore denies those allegations.

66. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 66 of the Complaint, and therefore denies those allegations.

67. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 67 of the Complaint, and therefore denies those allegations.

68. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 68 of the Complaint, and therefore denies those allegations.

69. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 69 of the Complaint, and therefore denies those allegations.

70. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 70 of the Complaint, and therefore denies those allegations.

**2. Actavis Entities**

71. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 71 of the Complaint, and therefore denies those allegations.

72. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 72 of the Complaint, and therefore denies those allegations.

73. Paragraph 73 has been stricken, and therefore no response is required of Insys.

**3. Cephalon Entities**

74. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 74 of the Complaint, and therefore denies those allegations.

75. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 75 of the Complaint, and therefore denies those allegations.

76. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 76 of the Complaint, and therefore denies those allegations.

77. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 77 of the Complaint, and therefore denies those allegations.

**4. Janssen Entities**

78. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 78 of the Complaint, and therefore denies those allegations.

79. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 79 of the Complaint, and therefore denies those allegations.

80. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 80 of the Complaint, and therefore denies those allegations.

81. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 81 of the Complaint, and therefore denies those allegations.

82. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 82 of the Complaint, and therefore denies those allegations.

83. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 83 of the Complaint, and therefore denies those allegations.

84. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 84 of the Complaint, and therefore denies those allegations.

85. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 85 of the Complaint, and therefore denies those allegations.

86. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 86 of the Complaint, and therefore denies those allegations.

87. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 87 of the Complaint, and therefore denies those allegations.

88. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 88 of the Complaint, and therefore denies those allegations.

**5. Endo Entities**

89. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 89 of the Complaint, and therefore denies those allegations.

90. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 90 of the Complaint, and therefore denies those allegations.

91. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 91 of the Complaint, and therefore denies those allegations.

92. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 92 of the Complaint, and therefore denies those allegations.

93. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 93 of the Complaint, and therefore denies those allegations.

94. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 94 of the Complaint, and therefore denies those allegations.

**6. INSYS Therapeutics, Inc.**

95. Insys admits the allegations set forth in paragraph 95 of the Complaint.

96. Insys denies the allegations set forth in paragraph 96 of the Complaint.

97. Insys admits that SUBSYS® is a transmucosal immediate release fentanyl medication, that SUBSYS® is packaged in a single-dose spray device, and that it is indicated for the management of breakthrough cancer pain in cancer patients 18 years of age and older who are already receiving and who are tolerant to opioid therapy for their underlying persistent cancer pain.

98. Insys avers that it is a publicly traded company and its financial information for 2016 is publicly available and speaks for itself, and therefore the allegations relying upon it require no answer. Insys admits only that it manufactures SUBSYS® for sale in the United States. Insys

admits only that SUBSYS® may have been prescribed in Summit County, but denies that it develops SUBSYS® in any of the Plaintiffs' counties, and denies the remaining allegations set forth in paragraph 98 of the Complaint.

99. The allegations set forth in paragraph 99 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 99 of the Complaint. Insys avers that the indictments and charges and other source material cited in paragraph 99, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 99 requires response, Insys denies the allegations.

**7. Mallinckrodt Entities**

100. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 100 of the Complaint, and therefore denies those allegations.

101. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 101 of the Complaint, and therefore denies those allegations.

102. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 102 of the Complaint, and therefore denies those allegations.

103. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 103 of the Complaint, and therefore denies those allegations.

104. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 104 of the Complaint, and therefore denies those allegations.

105. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 105 of the Complaint, and therefore denies those allegations.

106. The allegations set forth in paragraph 106 of the Complaint contain legal conclusions to which no response is required. To the extent that a response is required, Insys denies the allegations set forth in paragraph 106 of the Complaint.

**B. Distributor Defendants**

107. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 107 of the Complaint, and therefore denies those allegations.

**1. AmerisourceBergen Drug Corporation**

108. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 108 of the Complaint, and therefore denies those allegations.

**2. Anda, Inc.**

109. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 109 of the Complaint, and therefore denies those allegations.

**3. Cardinal Health, Inc.**

110. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 110 of the Complaint, and therefore denies those allegations.

**4. CVS Health Corporation**

111. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 111 of the Complaint, and therefore denies those allegations.

**5. Discount Drug Mart, Inc.**

112. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 112 of the Complaint, and therefore denies those allegations.

**6. HBC Service Company**

113. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 113 of the Complaint, and therefore denies those allegations.

**7. Henry Schein Entities**

114. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 114 of the Complaint, and therefore denies those allegations.

115. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 115 of the Complaint, and therefore denies those allegations.

116. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 116 of the Complaint, and therefore denies those allegations.

117. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 117 of the Complaint, and therefore denies those allegations.

118. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 118 of the Complaint, and therefore denies those allegations.

119. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 119 of the Complaint, and therefore denies those allegations.

**8. McKesson Corporation**

120. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 120 of the Complaint, and therefore denies those allegations.

121. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 121 of the Complaint, and therefore denies those allegations.

**9. Miami-Luken, Inc.**

122. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 122 of the Complaint, and therefore denies those allegations.

**10. Prescription Supply, Inc.**

123. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 123 of the Complaint, and therefore denies those allegations.

**11. Rite Aid Entities**

124. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 124 of the Complaint, and therefore denies those allegations.

**12. Walgreens Boots Alliance, Inc.**

125. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 125 of the Complaint, and therefore denies those allegations.

**13. Walmart Inc.**

126. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 126 of the Complaint, and therefore denies those allegations.

127. The allegations set forth in paragraph 127 of the Complaint contain legal conclusions to which no response is required. To the extent that a response is required, Insys denies the allegations set forth in paragraph 127 of the Complaint.

128. The allegations set forth in paragraph 128 of the Complaint contain legal conclusions to which no response is required. To the extent that a response is required, Insys denies the allegations set forth in paragraph 128 of the Complaint.



**C. Agency and Authority**

129. The allegations set forth in paragraph 129 of the Complaint contain legal conclusions to which no response is required. To the extent that a response is required, Insys denies the allegations set forth in paragraph 129 of the Complaint.

**FACTUAL ALLEGATIONS**

**I. FACTS COMMON TO ALL CLAIMS**

**A. Opioids and Their Effects**

130. Insys states that allegations set forth in paragraph 130 of the Complaint reflect scientific, technical, medical, or other specialized opinions and conclusions the truth of which would more appropriately be the subject of expert testimony, and Insys therefore denies those allegations.

131. Insys states that allegations set forth in paragraph 131 of the Complaint reflect scientific, technical, medical, or other specialized opinions and conclusions the truth of which would more appropriately be the subject of expert testimony, and Insys therefore denies those allegations.

132. Insys states that allegations set forth in paragraph 132 of the Complaint reflect scientific, technical, medical, or other specialized opinions and conclusions the truth of which would more appropriately be the subject of expert testimony, and Insys therefore denies those allegations. Insys avers that the source material cited in paragraph 132 and footnotes 11 and 12, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 132 and footnotes 11 and 12 requires response, Insys denies the allegations.

133. Insys states that allegations set forth in paragraph 133 of the Complaint reflect scientific, technical, medical, or other specialized opinions and conclusions the truth of which would more appropriately be the subject of expert testimony, and Insys therefore denies those allegations.

134. Insys states that allegations set forth in paragraph 134 of the Complaint reflect scientific, technical, medical, or other specialized opinions and conclusions the truth of which would more appropriately be the subject of expert testimony, and Insys therefore denies those allegations.

135. Insys admits only that opioids have been regulated by the DEA since the FDA granted approval to Insys to market SUBSYS® in 2012. Insys avers that the label for SUBSYS® speaks for itself, and therefore the allegations relying upon it require no answer. Insys lacks knowledge and information sufficient to form a belief about the truth of the generalized allegations about labeling on all opioid products, and about regulation of opioids before the FDA granted Insys approval to market SUBSYS®, and therefore denies them. Insys denies the remaining allegations set forth in paragraph 135 of the Complaint.

136. Insys states that allegations set forth in paragraph 136 of the Complaint reflect scientific, technical, medical, or other specialized opinions and conclusions the truth of which would more appropriately be the subject of expert testimony, and Insys therefore denies those allegations.

137. Insys states that allegations set forth in paragraph 137 of the Complaint reflect scientific, technical, medical, or other specialized opinions and conclusions the truth of which would more appropriately be the subject of expert testimony, and Insys therefore denies those allegations.

138. Insys states that allegations set forth in paragraph 138 of the Complaint reflect scientific, technical, medical, or other specialized opinions and conclusions the truth of which would more appropriately be the subject of expert testimony, and Insys therefore denies those allegations. Insys avers that the source material cited in paragraph 138, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 138 requires response, Insys denies the allegations.

139. Insys states that allegations set forth in paragraph 139 of the Complaint reflect scientific, technical, medical, or other specialized opinions and conclusions the truth of which would more appropriately be the subject of expert testimony, and Insys therefore denies those allegations.

140. Insys states that allegations set forth in paragraph 140 of the Complaint reflect scientific, technical, medical, or other specialized opinions and conclusions the truth of which would more appropriately be the subject of expert testimony, and Insys therefore denies those allegations.

141. Insys states that allegations set forth in paragraph 141 of the Complaint reflect scientific, technical, medical, or other specialized opinions and conclusions the truth of which would more appropriately be the subject of expert testimony, and Insys therefore denies those allegations.

142. Insys states that allegations set forth in paragraph 142 of the Complaint reflect scientific, technical, medical, or other specialized opinions and conclusions the truth of which would more appropriately be the subject of expert testimony, and Insys therefore denies those allegations. Insys denies the allegations set forth in paragraph 142 of the Complaint that pertain

to it. To the extent the allegations set forth in paragraph 142 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 142 of the Complaint.

143. Insys states that allegations set forth in paragraph 143 of the Complaint reflect scientific, technical, medical, or other specialized opinions and conclusions the truth of which would more appropriately be the subject of expert testimony, and Insys therefore denies those allegations.

144. Insys states that allegations set forth in paragraph 144 of the Complaint reflect scientific, technical, medical, or other specialized opinions and conclusions the truth of which would more appropriately be the subject of expert testimony, and Insys therefore denies those allegations.

145. Insys denies the allegations set forth in paragraph 145 of the Complaint that pertain to it. Insys avers that the source material cited in paragraph 145, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 145 requires response, Insys denies the allegations.

**B. The Resurgence of Opioid Use in the United States**

**1. The Sackler Family Integrated Advertising and Medicine**

146. Insys denies the allegations set forth in paragraph 146 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 146 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 146 of the Complaint.

147. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 147 of the Complaint, and therefore denies those allegations.

148. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 148 of the Complaint, and therefore denies those allegations.

149. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 149 of the Complaint, and therefore denies those allegations.

150. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 150 of the Complaint, and therefore denies those allegations.

151. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 151 of the Complaint, and therefore denies those allegations.

**2. Purdue and the Development of OxyContin**

152. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 152 of the Complaint, and therefore denies those allegations.

153. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 153 of the Complaint, and therefore denies those allegations.

154. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 154 of the Complaint, and therefore denies those allegations. Insys avers that the source material cited in paragraph 154 and footnotes 14 and 15, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 154 and footnotes 14 and 15 requires response, Insys denies the allegations.

155. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 155 of the Complaint, and therefore denies those allegations.

Insys avers that the source material cited in paragraph 155 and footnote 16, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 155 and footnote 16 requires response, Insys denies the allegations.

156. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 156 of the Complaint, and therefore denies those allegations. Insys avers that the source material cited in paragraph 156 and footnote 17, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 156 and footnote 17 requires response, Insys denies the allegations.

157. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 157 of the Complaint, and therefore denies those allegations. Insys avers that the source material cited in paragraph 157 and footnote 18, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 157 and footnote 18 requires response, Insys denies the allegations.

158. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 158 of the Complaint, and therefore denies those allegations.

159. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 159 of the Complaint, and therefore denies those allegations.

160. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 160 of the Complaint, and therefore denies those allegations.

161. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 161 of the Complaint, and therefore denies those allegations.

162. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 162 of the Complaint, and therefore denies those allegations. Insys avers that the source material cited in paragraph 162 and footnote 19, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 162 and footnote 19 requires response, Insys denies the allegations.

163. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 163 of the Complaint, and therefore denies those allegations.

**3. Other Marketing Defendants Leapt at the Opioid Opportunity**

164. Insys denies the allegations set forth in paragraph 164 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 164 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 164 of the Complaint.

165. Insys states that allegations set forth in paragraph 165 of the Complaint reflect scientific, technical, medical, or other specialized opinions and conclusions the truth of which would more appropriately be the subject of expert testimony, and Insys therefore denies those allegations. Insys avers that the source material cited in paragraph 165 and footnote 20, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 165 and footnote 20 requires response, Insys denies the allegations.

166. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 166 of the Complaint, and therefore denies those allegations.

167. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 167 of the Complaint, and therefore denies those allegations.

168. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 168 of the Complaint, and therefore denies those allegations. Insys avers that the source material cited in paragraph 168 and footnotes 21-23, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 168 and footnotes 21-23 requires response, Insys denies the allegations.

169. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 169 of the Complaint, and therefore denies those allegations.

170. Insys denies the allegations set forth in paragraph 170 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 170 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 170 of the Complaint.

**C. Defendants' Conduct Created an Abatable Public Nuisance**

171. Insys denies the allegations in paragraph 171 that pertain to it. The allegations set forth in paragraph 171 of the Complaint contain legal conclusions to which no response is required.

172. Insys denies the allegations in paragraph 172 that pertain to it. The allegations set forth in paragraph 172 of the Complaint contain legal conclusions to which no response is required.



173. Insys denies the allegations in paragraph 173 that pertain to it. The allegations set forth in paragraph 173 of the Complaint contain legal conclusions to which no response is required.

**D. The Marketing Defendants' Multi-Pronged Scheme to Change Prescriber Habits and Public Perception and Increase Demand for Opioids**

174. Insys denies the allegations set forth in paragraph 174 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 174 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 174 of the Complaint.

175. Insys denies the allegations set forth in paragraph 175 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 175 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 175 of the Complaint.

176. Insys denies the allegations set forth in paragraph 176 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 176 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 176 of the Complaint.

**1. The Marketing Defendants Promoted Multiple Falseholds About Opioids**

177. Insys denies the allegations set forth in paragraph 177 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 177 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 177 of the Complaint.

178. Insys denies the allegations set forth in paragraph 178 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 178 of the Complaint are specific to

Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 178 of the Complaint.

179. Insys denies the allegations set forth in paragraph 179 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 179 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 179 of the Complaint.

**a. Falsehood #1: The risk of addiction from chronic opioid therapy is low**

180. Insys denies the allegations set forth in paragraph 180 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 180 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 180 of the Complaint.

181. Insys denies the allegations set forth in paragraph 181 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 181 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 181 of the Complaint.

182. Insys denies the allegations set forth in paragraph 182 of the Complaint that pertain to it. Insys states that allegations set forth in paragraph 182 of the Complaint reflect scientific, technical, medical, or other specialized opinions and conclusions the truth of which would more appropriately be the subject of expert testimony, and Insys therefore denies those allegations. Insys avers that the source material cited in paragraph 182 and footnotes 24-26, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 182 and footnotes 24-26 requires response, Insys denies the allegations.

**i. Purdue's misrepresentation regarding addiction risk**

183. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 183 of the Complaint, and therefore denies those allegations. Insys avers that the source material cited in paragraph 183, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 183 requires response, Insys denies the allegations.

184. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 184 of the Complaint, and therefore denies those allegations. Insys avers that the source material cited in paragraph 184 and footnote 27, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 184 and footnote 27 requires response, Insys denies the allegations.

185. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 185 of the Complaint, and therefore denies those allegations. Insys avers that the source material cited in paragraph 185 and footnote 28, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 185 and footnote 28 requires response, Insys denies the allegations.

186. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 186 of the Complaint, and therefore denies those allegations. Insys avers that the source material cited in paragraph 186 and footnote 29, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the

accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 186 and footnote 29 requires response, Insys denies the allegations.

187. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 187 of the Complaint, and therefore denies those allegations. Insys avers that the source material cited in paragraph 187 and footnotes 30-31, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 187 and footnotes 30-31 requires response, Insys denies the allegations.

188. Insys denies the allegations set forth in paragraph 188 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 188 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 188 of the Complaint. Insys avers that the source material cited in paragraph 188 and footnote 32, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 188 and footnote 32 requires response, Insys denies the allegations.

189. The allegations set forth in paragraph 189 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 189 of the Complaint. Insys avers that the source material cited in paragraph 189 and footnote 33, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 189 and footnote 33 requires response, Insys denies the allegations.

190. The allegations set forth in paragraph 190 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 190 of the Complaint. Insys avers that the source material cited in paragraph 190 and footnote 34, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 190 and footnote 34 requires response, Insys denies the allegations.

191. The allegations set forth in paragraph 191 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 191 of the Complaint. Insys avers that the source material cited in paragraph 191 and footnote 35, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 191 and footnote 35 requires response, Insys denies the allegations.

192. The allegations set forth in paragraph 192 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 192 of the Complaint. Insys avers that the source material cited in paragraph 192, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 192 requires response, Insys denies the allegations.

193. The allegations set forth in paragraph 193 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys;

to the extent an answer is required, Insys denies the allegations set forth in paragraph 193 of the Complaint. Insys avers that the source material cited in paragraph 193 and footnotes 36-38, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in and paragraph 193 and footnotes 36-38 requires response, Insys denies the allegations.

194. The allegations set forth in paragraph 194 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 194 of the Complaint. Insys avers that the source material cited in paragraph 194 and footnote 39, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 194 and footnote 39 requires response, Insys denies the allegations.

195. The allegations set forth in paragraph 195 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 195 of the Complaint. Insys avers that the source material cited in paragraph 195 and footnote 40, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 195 and footnote 40 requires response, Insys denies the allegations.

196. The allegations set forth in paragraph 196 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 196 of the Complaint.

197. The allegations set forth in paragraph 197 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 197 of the Complaint. Insys avers that the source material cited in paragraph 198, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 197 requires response, Insys denies the allegations.

198. The allegations set forth in paragraph 198 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 198 of the Complaint. Insys avers that the source material cited in paragraph 198, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 198 requires response, Insys denies the allegations.

199. The allegations set forth in paragraph 199 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 199 of the Complaint. Insys avers that the source material cited in paragraph 199, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 199 requires response, Insys denies the allegations.

200. The allegations set forth in paragraph 200 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys;

to the extent an answer is required, Insys denies the allegations set forth in paragraph 200 of the Complaint. Insys avers that the source material cited in paragraph 200, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 200 requires response, Insys denies the allegations.

201. The allegations set forth in paragraph 201 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 201 of the Complaint. Insys avers that the source material cited in paragraph 201, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 201 requires response, Insys denies the allegations.

202. The allegations set forth in paragraph 202 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 202 of the Complaint. Insys avers that the source material cited in paragraph 202, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 202 requires response, Insys denies the allegations.

**ii. Endo's misrepresentations regarding addiction risk**

203. The allegations set forth in paragraph 203 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys;



to the extent an answer is required, Insys denies the allegations set forth in paragraph 203 of the Complaint.

204. The allegations set forth in paragraph 204 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 204 of the Complaint. Insys avers that the source material cited in paragraph 204, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 204 requires response, Insys denies the allegations.

205. The allegations set forth in paragraph 205 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 205 of the Complaint.

206. The allegations set forth in paragraph 206 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 206 of the Complaint. Insys avers that the source material cited in paragraph 206 and footnote 41, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 206 and footnote 41 requires response, Insys denies the allegations.

207. The allegations set forth in paragraph 207 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 207 of the

Complaint. Insys avers that the source material cited in paragraph 207, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 207 requires response, Insys denies the allegations.

208. The allegations set forth in paragraph 208 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 208 of the Complaint. Insys avers that the source material cited in paragraph 208, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 208 requires response, Insys denies the allegations.

209. The allegations set forth in paragraph 209 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 209 of the Complaint. Insys avers that the source material cited in paragraph 209, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 209 requires response, Insys denies the allegations.

210. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 210 of the Complaint, and therefore denies those allegations. Insys avers that the source material cited in paragraph 210, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 210

requires response, Insys denies the allegations.

211. The allegations set forth in paragraph 211 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 211 of the Complaint. Insys avers that the source material cited in paragraph 211, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 211 requires response, Insys denies the allegations.

**iii. Janssen's misrepresentations regarding addiction risk**

212. The allegations set forth in paragraph 212 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 212 of the Complaint. Insys avers that the source material cited in paragraph 212, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 212 requires response, Insys denies the allegations.

213. The allegations set forth in paragraph 213 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 213 of the Complaint. Insys avers that the source material cited in paragraph 213, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 213 requires response, Insys denies the allegations.

214. The allegations set forth in paragraph 214 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 214 of the Complaint. Insys avers that the source material cited in paragraph 214 and footnote 42, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 214 and footnote 42 requires response, Insys denies the allegations.

215. The allegations set forth in paragraph 215 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 215 of the Complaint. Insys avers that the source material cited in paragraph 215, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 215 requires response, Insys denies the allegations.

216. The allegations set forth in paragraph 216 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 216 of the Complaint. Insys avers that the source material cited in paragraph 216, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 216 requires response, Insys denies the allegations.

217. The allegations set forth in paragraph 217 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys;

to the extent an answer is required, Insys denies the allegations set forth in paragraph 217 of the Complaint. Insys avers that the source material cited in paragraph 217, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 217 requires response, Insys denies the allegations.

218. The allegations set forth in paragraph 218 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 218 of the Complaint. Insys avers that the source material cited in paragraph 218, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 218 requires response, Insys denies the allegations.

219. The allegations set forth in paragraph 219 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 219 of the Complaint. Insys avers that the source material cited in paragraph 219, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 219 requires response, Insys denies the allegations.

220. The allegations set forth in paragraph 220 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 220 of the Complaint.

**iv. Cephalon's misrepresentations regarding addiction risk**

221. The allegations set forth in paragraph 221 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 221 of the Complaint. Insys avers that the source material cited in paragraph 221, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 221 requires response, Insys denies the allegations.

222. The allegations set forth in paragraph 222 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 222 of the Complaint. Insys avers that the source material cited in paragraph 222 and footnote 43, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 222 and footnote 43 requires response, Insys denies the allegations.

223. The allegations set forth in paragraph 223 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 223 of the Complaint.

**v. Actavis's misrepresentations regarding addiction risk**

224. The allegations set forth in paragraph 224 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 224 of the

Complaint.

225. The allegations set forth in paragraph 225 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 225 of the Complaint.

226. The allegations set forth in paragraph 226 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 226 of the Complaint.

227. The allegations set forth in paragraph 227 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 227 of the Complaint.

**vi. Mallinckrodt's misrepresentations regarding addiction risk**

228. The allegations set forth in paragraph 228 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 228 of the Complaint.

229. Insys denies the allegations set forth in paragraph 229 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 229 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 229 of the Complaint. The allegations set forth in paragraph 229 of the Complaint contain legal conclusions to which

no response is required.

230. The allegations set forth in paragraph 230 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 230 of the Complaint. Insys avers that the source material cited in paragraph 230, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 230 requires response, Insys denies the allegations.

231. The allegations set forth in paragraph 231 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 231 of the Complaint. Insys avers that the source material cited in paragraph 231, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 231 requires response, Insys denies the allegations.

232. Insys denies the allegations set forth in paragraph 232 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 232 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 232 of the Complaint.

**b. Falsehood #2: To the extent there is a risk of addiction, it can be easily identified and managed**

233. Insys denies the allegations set forth in paragraph 233 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 233 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an



answer is required, Insys denies those allegations set forth in paragraph 233 of the Complaint.

234. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 234 of the Complaint, and therefore denies those allegations. Insys avers that the source material cited in paragraph 234 and footnotes 44-45, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 234 and footnotes 44-45 requires response, Insys denies the allegations.

235. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 235 of the Complaint, and therefore denies those allegations. Insys avers that the source material cited in paragraph 235, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 235 requires response, Insys denies the allegations.

236. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 236 of the Complaint, and therefore denies those allegations. Insys avers that the source material cited in paragraph 236, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 236 requires response, Insys denies the allegations.

237. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 237 of the Complaint, and therefore denies those allegations. Insys avers that the source material cited in paragraph 237, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of

Plaintiffs' characterization or contextualization of the source material cited in paragraph 237 requires response, Insys denies the allegations.

238. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 238 of the Complaint, and therefore denies those allegations. Insys avers that the source material cited in paragraph 238, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 238 requires response, Insys denies the allegations.

239. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 239 of the Complaint, and therefore denies those allegations. Insys avers that the source material cited in paragraph 239, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 239 requires response, Insys denies the allegations.

240. Insys denies the allegations set forth in paragraph 240 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 240 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 240 of the Complaint. The allegations set forth in paragraph 240 of the Complaint contain legal conclusions to which no response is required.

c. **Falsehood #3: Signs of addictive behavior are "pseudoaddiction," requiring more opioids**

241. Insys denies the allegations set forth in paragraph 241 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 241 of the Complaint are specific to

Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 241 of the Complaint. Insys avers that the source material cited in paragraph 241 and footnote 46, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 241 and footnote 46 requires response, Insys denies the allegations.

242. Insys denies the allegations set forth in paragraph 242 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 242 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 242 of the Complaint.

243. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 243 of the Complaint, and therefore denies those allegations. Insys avers that the source material cited in paragraph 243, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 243 requires response, Insys denies the allegations.

244. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 244 of the Complaint, and therefore denies those allegations. Insys avers that the source material cited in paragraph 244, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 244 requires response, Insys denies the allegations.

245. Insys lacks knowledge or information sufficient to form a belief as to the truth of

the allegations set forth in paragraph 245 of the Complaint, and therefore denies those allegations. Insys avers that the source material cited in paragraph 245, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 245 requires response, Insys denies the allegations.

246. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 246 of the Complaint, and therefore denies those allegations. Insys avers that the source material cited in paragraph 246, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 246 requires response, Insys denies the allegations.

247. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 247 of the Complaint, and therefore denies those allegations. Insys avers that the source material cited in paragraph 247, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 247 requires response, Insys denies the allegations.

248. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 248 of the Complaint, and therefore denies those allegations. Insys avers that the source material cited in paragraph 248 and footnote 47, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 248 and footnote 47 requires response, Insys denies the allegations.

249. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 249 of the Complaint, and therefore denies those allegations. Insys avers that the source material cited in paragraph 249, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 249 requires response, Insys denies the allegations.

250. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 250 of the Complaint, and therefore denies those allegations. Insys avers that the source material cited in paragraph 250 and footnote 48, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 250 and footnote 48 requires response, Insys denies the allegations.

251. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 251 of the Complaint, and therefore denies those allegations. Insys avers that the source material cited in paragraph 251, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 251 requires response, Insys denies the allegations.

**d. Falsehood #4: Opioid withdrawal can be avoided by tapering**

252. Insys denies the allegations set forth in paragraph 252 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 252 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 252 of the Complaint.

253. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 253 of the Complaint, and therefore denies those allegations. Insys avers that the source material cited in paragraph 253, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 253 requires response, Insys denies the allegations.

254. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 254 of the Complaint, and therefore denies those allegations. Insys avers that the source material cited in paragraph 254, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 254 requires response, Insys denies the allegations.

255. Insys denies the allegations set forth in paragraph 255 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 255 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 255 of the Complaint.

**e. Falsehood #5: Opioid doses can be increased without limit or greater risks.**

256. Insys denies the allegations set forth in paragraph 256 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 256 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 256 of the Complaint.

257. Insys denies the allegations set forth in paragraph 257 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 257 of the Complaint are specific to

Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 257 of the Complaint. Insys states that allegations set forth in paragraph 257 of the Complaint reflect scientific, technical, medical, or other specialized opinions and conclusions the truth of which would more appropriately be the subject of expert testimony, and Insys therefore denies those allegations.

258. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 258 of the Complaint, and therefore denies those allegations. Insys avers that the source material cited in paragraph 258 and footnote 49, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 258 and footnote 49 requires response, Insys denies the allegations.

259. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 259 of the Complaint, and therefore denies those allegations. Insys avers that the source material cited in paragraph 259, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 259 requires response, Insys denies the allegations.

260. Insys states that allegations set forth in paragraph 260 of the Complaint reflect scientific, technical, medical, or other specialized opinions and conclusions the truth of which would more appropriately be the subject of expert testimony, and Insys therefore denies those allegations.

261. The allegations set forth in paragraph 261 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys;

to the extent an answer is required, Insys denies the allegations set forth in paragraph 261 of the Complaint. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 261 and footnote 50 of the Complaint, and therefore denies those allegations. Insys avers that the source material cited in footnote 50, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 261 and footnote 50 requires response, Insys denies the allegations.

262. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 262 of the Complaint, and therefore denies those allegations. Insys avers that the source material cited in footnote 50, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in footnote 50 requires response, Insys denies the allegations.

263. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 263 of the Complaint, and therefore denies those allegations. Insys avers that the source material cited in paragraph 263, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 263 requires response, Insys denies the allegations.

264. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 264 of the Complaint, and therefore denies those allegations. Insys avers that the source material cited in paragraph 264, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of



Plaintiffs' characterization or contextualization of the source material cited in paragraph 264 requires response, Insys denies the allegations.

265. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 265 of the Complaint, and therefore denies those allegations. Insys avers that the source material cited in paragraph 265, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 265 requires response, Insys denies the allegations.

266. The allegations set forth in paragraph 266 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 266 of the Complaint.

267. Insys denies the allegations set forth in paragraph 267 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 267 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 267 of the Complaint. Insys avers that the source material cited in paragraph 267, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 267 requires response, Insys denies the allegations.

**f. Falsehood #6: Long-term opioid use improves functioning**

268. Insys denies the allegations set forth in paragraph 268 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 268 of the Complaint are specific to

Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 268 of the Complaint.

269. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 269 of the Complaint, and therefore denies those allegations. Insys avers that the source material cited in paragraph 269, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 269 requires response, Insys denies the allegations.

270. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 270 of the Complaint, and therefore denies those allegations. Insys avers that the source material cited in paragraph 270 and footnote 51, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 270 and footnote 51 requires response, Insys denies the allegations.

271. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 271 of the Complaint, and therefore denies those allegations. Insys avers that the source material cited in paragraph 271 and footnote 52, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 271 and footnote 52 requires response, Insys denies the allegations.

272. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 272 of the Complaint, and therefore denies those allegations. Insys avers that the source material cited in paragraph 272, to the extent it exists, speaks for itself,

and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 272 requires response, Insys denies the allegations.

273. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 273 of the Complaint, and therefore denies those allegations. Insys avers that the source material cited in paragraph 273, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 273 requires response, Insys denies the allegations.

274. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 274 of the Complaint, and therefore denies those allegations. Insys avers that the source material cited in paragraph 274, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 274 requires response, Insys denies the allegations.

275. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 275 of the Complaint, and therefore denies those allegations. Insys avers that the source material cited in paragraph 275, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 275 requires response, Insys denies the allegations.

276. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 276 of the Complaint, and therefore denies those allegations.

Insys avers that the source material cited in paragraph 276, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 276 requires response, Insys denies the allegations.

277. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 277 of the Complaint, and therefore denies those allegations. Insys avers that the source material cited in paragraph 277, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 277 requires response, Insys denies the allegations.

278. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 278 of the Complaint, and therefore denies those allegations. Insys avers that the source material cited in paragraph 278, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 278 requires response, Insys denies the allegations.

279. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 279 of the Complaint, and therefore denies those allegations. Insys avers that the source material cited in paragraph 279, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 279 requires response, Insys denies the allegations.

280. Insys lacks knowledge or information sufficient to form a belief as to the truth of

the allegations set forth in paragraph 280 of the Complaint, and therefore denies those allegations. Insys avers that the source material cited in paragraph 280 and footnote 53, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 280 and footnote 53 requires response, Insys denies the allegations.

281. Insys states that allegations set forth in paragraph 281 of the Complaint reflect scientific, technical, medical, or other specialized opinions and conclusions the truth of which would more appropriately be the subject of expert testimony, and Insys therefore denies those allegations. Insys avers that the source material cited in paragraph 281 and footnotes 54-55, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 281 and footnotes 54-55 requires response, Insys denies the allegations.

282. Insys states that allegations set forth in paragraph 282 of the Complaint reflect scientific, technical, medical, or other specialized opinions and conclusions the truth of which would more appropriately be the subject of expert testimony, and Insys therefore denies those allegations. Insys avers that the source material cited in paragraph 282 and footnote 56, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 282 and footnote 56 requires response, Insys denies the allegations.

283. Insys states that allegations set forth in paragraph 283 of the Complaint reflect scientific, technical, medical, or other specialized opinions and conclusions the truth of which would more appropriately be the subject of expert testimony, and Insys therefore denies those

allegations. Insys avers that the source material cited in paragraph 283 and footnotes 57-58, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 283 and footnotes 57-58 requires response, Insys denies the allegations.

284. Insys states that allegations set forth in paragraph 284 of the Complaint reflect scientific, technical, medical, or other specialized opinions and conclusions the truth of which would more appropriately be the subject of expert testimony, and Insys therefore denies those allegations. Insys avers that the source material cited in paragraph 284 and footnotes 59-61, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 284 footnotes 59-61 requires response, Insys denies the allegations.

**g. Falsehood #7: Alternative forms of pain relief pose greater risk than opioids**

285. Insys denies the allegations set forth in paragraph 285 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 285 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 285 of the Complaint..

286. Insys denies the allegations set forth in paragraph 286 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 286 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 286 of the Complaint. Insys avers that the source material cited in paragraph 286 and footnotes 63-66, to the extent it

exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 286 and footnotes 63-66 requires response, Insys denies the allegations. Insys states that allegations set forth in paragraph 286 of the Complaint reflect scientific, technical, medical, or other specialized opinions and conclusions the truth of which would more appropriately be the subject of expert testimony, and Insys therefore denies those allegations.

287. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 287 of the Complaint, and therefore denies those allegations. Insys avers that the source material cited in paragraph 287, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 287 requires response, Insys denies the allegations.

288. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 288 of the Complaint, and therefore denies those allegations. Insys avers that the source material cited in paragraph 288, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 288 requires response, Insys denies the allegations.

289. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 289 of the Complaint, and therefore denies those allegations. Insys avers that the source material cited in paragraph 289, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 289

requires response, Insys denies the allegations.

290. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 290 of the Complaint, and therefore denies those allegations. Insys avers that the source material cited in paragraph 290, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 290 requires response, Insys denies the allegations.

291. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 291 of the Complaint, and therefore denies those allegations. Insys avers that the source material cited in paragraph 291 and footnotes 67-68, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 291 and footnotes 67-68 requires response, Insys denies the allegations.

292. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 292 of the Complaint, and therefore denies those allegations. Insys avers that the source material cited in paragraph 292, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 292 requires response, Insys denies the allegations.

293. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 293 of the Complaint, and therefore denies those allegations. Insys avers that the source material cited in paragraph 293, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of



Plaintiffs' characterization or contextualization of the source material cited in paragraph 293 requires response, Insys denies the allegations.

294. Insys denies the allegations set forth in paragraph 294 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 294 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 294 of the Complaint. Insys avers that the source material cited in paragraph 294, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 294 requires response,

**h. Falsehood #8: OxyContin provides twelve hours of pain relief**

295. The allegations set forth in paragraph 295 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 295 of the Complaint.

296. Insys states that allegations set forth in paragraph 296 of the Complaint reflect scientific, technical, medical, or other specialized opinions and conclusions the truth of which would more appropriately be the subject of expert testimony, and Insys therefore denies those allegations.

297. Insys states that allegations set forth in paragraph 297 of the Complaint reflect scientific, technical, medical, or other specialized opinions and conclusions the truth of which would more appropriately be the subject of expert testimony, and Insys therefore denies those allegations.

298. Insys states that allegations set forth in paragraph 298 of the Complaint reflect scientific, technical, medical, or other specialized opinions and conclusions the truth of which would more appropriately be the subject of expert testimony, and Insys therefore denies those allegations. Insys avers that the source material cited in paragraph 298, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 298 requires response, Insys denies the allegations.

299. Insys states that allegations set forth in paragraph 299 of the Complaint reflect scientific, technical, medical, or other specialized opinions and conclusions the truth of which would more appropriately be the subject of expert testimony, and Insys therefore denies those allegations. Insys avers that the source material cited in paragraph 299 and footnote 69, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 299 and footnote 69 requires response, Insys denies the allegations.

300. The allegations set forth in paragraph 300 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 300 of the Complaint.

301. The allegations set forth in paragraph 301 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 301 of the Complaint.

302. The allegations set forth in paragraph 302 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 302 of the Complaint. Insys avers that the source material cited in paragraph 302 and footnote 70, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 302 and footnote 70 requires response, Insys denies the allegations.

303. The allegations set forth in paragraph 303 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 303 of the Complaint. Insys avers that the source material cited in paragraph 303 and footnotes 71-72, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph paragraph 303 and footnotes 71-72 requires response, Insys denies the allegations.

304. The allegations set forth in paragraph 304 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 304 of the Complaint. Insys avers that the source material cited in paragraph 304 and footnote 73, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph paragraph 304 and footnote 73 requires response, Insys denies the allegations.

305. The allegations set forth in paragraph 305 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 305 of the Complaint.

306. The allegations set forth in paragraph 306 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 306 of the Complaint.

307. The allegations set forth in paragraph 307 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 307 of the Complaint.

**i. Falsehood #9: New formulations of certain opioids successfully deter abuse**

308. The allegations set forth in paragraph 308 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 308 of the Complaint.

309. Insys avers that the source material cited in paragraph 309, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 309 requires response, Insys denies the allegations.

**i. Purdue's deceptive marketing of reformulated OxyContin and Hysingla ER**

310. The allegations set forth in paragraph 310 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 310 of the Complaint.

311. The allegations set forth in paragraph 311 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 311 of the Complaint.

312. The allegations set forth in paragraph 312 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 312 of the Complaint.

313. The allegations set forth in paragraph 313 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 313 of the Complaint.

314. The allegations set forth in paragraph 314 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 314 of the Complaint.

315. The allegations set forth in paragraph 315 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys;

to the extent an answer is required, Insys denies the allegations set forth in paragraph 315 of the Complaint. Insys avers that the source material cited in paragraph 315, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 315 requires response, Insys denies the allegations.

316. The allegations set forth in paragraph 316 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 316 of the Complaint. Insys avers that the source material cited in paragraph 316, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 316 requires response, Insys denies the allegations.

317. The allegations set forth in paragraph 317 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 317 of the Complaint. Insys avers that the source material cited in paragraph 317, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 317 requires response, Insys denies the allegations.

318. The allegations set forth in paragraph 318 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 318 of the Complaint. Insys avers that the source material cited in paragraph 318, to the extent it exists, speaks

for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph paragraph 318 requires response, Insys denies the allegations.

319. The allegations set forth in paragraph 319 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 319 of the Complaint. Insys avers that the source material cited in paragraph 319, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph paragraph 319 requires response, Insys denies the allegations.

320. The allegations set forth in paragraph 320 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 320 of the Complaint. Insys avers that the source material cited in paragraph 320 and footnote 74, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph paragraph 320 and footnote 74 requires response, Insys denies the allegations.

321. The allegations set forth in paragraph 321 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 321 of the Complaint. Insys avers that the source material cited in paragraph 321, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy

of Plaintiffs' characterization or contextualization of the source material cited in paragraph paragraph 321 requires response, Insys denies the allegations.

**ii. Endo's deceptive marketing of reformulated Opana ER**

322. The allegations set forth in paragraph 322 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 322 of the Complaint.

323. The allegations set forth in paragraph 323 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 323 of the Complaint. Insys states that allegations set forth in paragraph 323 of the Complaint reflect scientific, technical, medical, or other specialized opinions and conclusions the truth of which would more appropriately be the subject of expert testimony, and Insys therefore denies those allegations.

324. The allegations set forth in paragraph 324 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 324 of the Complaint. Insys avers that the source material cited in paragraph 324, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 324 requires response, Insys denies the allegations.

325. The allegations set forth in paragraph 325 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys;



to the extent an answer is required, Insys denies the allegations set forth in paragraph 325 of the Complaint.

326. The allegations set forth in paragraph 326 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 326 of the Complaint. Insys avers that the source material cited in paragraph 326, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 326 requires response, Insys denies the allegations.

327. The allegations set forth in paragraph 327 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 327 of the Complaint. Insys avers that the source material cited in paragraph 327, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 327 requires response, Insys denies the allegations.

328. The allegations set forth in paragraph 328 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 328 of the Complaint. Insys avers that the source material cited in paragraph 328, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 328 requires response, Insys denies the allegations.

329. The allegations set forth in paragraph 329 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 329 of the Complaint. Insys avers that the source material cited in paragraph 329, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 329 requires response, Insys denies the allegations.

330. The allegations set forth in paragraph 330 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 330 of the Complaint. Insys avers that the source material cited in paragraph 330, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 330 requires response, Insys denies the allegations.

331. The allegations set forth in paragraph 331 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 331 of the Complaint. Insys avers that the source material cited in paragraph 331 and footnotes 75-76, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 331 and footnotes 75-76 requires response, Insys denies the allegations.

332. The allegations set forth in paragraph 332 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys;

to the extent an answer is required, Insys denies the allegations set forth in paragraph 332 of the Complaint. Insys avers that the source material cited in paragraph 332 and footnote 77, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 332 and footnote 77 requires response, Insys denies the allegations.

333. The allegations set forth in paragraph 333 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 333 of the complaint. Insys avers that the source material cited in paragraph 333 and footnote 78, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 333 and footnotes 78 requires response, Insys denies the allegations.

334. The allegations set forth in paragraph 334 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 334 of the Complaint. Insys avers that the source material cited in paragraph 334, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 334 requires response, Insys denies the allegations.

335. The allegations set forth in paragraph 335 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 335 of the Complaint. Insys avers that the source material cited in paragraph 335, to the extent it exists, speaks

for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 335 requires response, Insys denies the allegations.

336. The allegations set forth in paragraph 336 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 336 of the Complaint. Insys avers that the source material cited in paragraph 336 and footnote 79, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 336 and footnote 79 requires response, Insys denies the allegations.

337. The allegations set forth in paragraph 337 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 337 of the Complaint. Insys avers that the source material cited in paragraph 337, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 337 requires response, Insys denies the allegations.

338. The allegations set forth in paragraph 338 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 338 of the Complaint.

339. The allegations set forth in paragraph 339 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys;

to the extent an answer is required, Insys denies the allegations set forth in paragraph 339 of the Complaint. Insys avers that the source material cited in paragraph 339, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 339 requires response, Insys denies the allegations.

340. The allegations set forth in paragraph 340 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 340 of the Complaint. Insys avers that the source material cited in paragraph 340, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 340 requires response, Insys denies the allegations.

341. The allegations set forth in paragraph 341 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 341 of the Complaint. Insys avers that the source material cited in paragraph 341, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 341 requires response, Insys denies the allegations.

342. The allegations set forth in paragraph 342 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 342 of the Complaint. Insys avers that the source material cited in paragraph 342, to the extent it exists, speaks

for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 342 requires response, Insys denies the allegations.

343. The allegations set forth in paragraph 343 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 343 of the Complaint.

344. The allegations set forth in paragraph 344 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 344 of the Complaint. Insys avers that the source material cited in paragraph 344, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 344 requires response, Insys denies the allegations.

**iii. Other Marketing Defendants' misrepresentations regarding abuse deterrence**

345. The allegations set forth in paragraph 345 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 345 of the Complaint. Insys avers that the source material cited in paragraph 345, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 345 requires response, Insys denies the allegations.

346. The allegations set forth in paragraph 346 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 346 of the Complaint. Insys avers that the source material cited in paragraph 346 and footnotes 80-81, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 346 and footnotes 80-81 requires response, Insys denies the allegations.

347. The allegations set forth in paragraph 347 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 347 of the Complaint. Insys avers that the source material cited in paragraph 347 and footnotes 82-83, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 347 and footnotes 82-83 requires response, Insys denies the allegations.

348. Insys denies the allegations set forth in paragraph 348 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 348 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 348 of the Complaint.

349. Insys denies the allegations set forth in paragraph 349 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 349 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 349 of the Complaint.

**2. The Marketing Defendants Disseminated Their Misleading Messages About Opioids Through Multiple Channels**

350. Insys denies the allegations set forth in paragraph 350 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 350 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 350 of the Complaint.

351. Insys denies the allegations set forth in paragraph 351 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 351 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 351 of the Complaint.

**a. The Marketing Defendants Directed Front Groups to Deceptively Promote Opioid Use**

352. Insys denies the allegations set forth in paragraph 352 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 352 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 352 of the Complaint. Insys avers that the source material cited in paragraph 352 and footnote 84, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 352 and footnote 84 requires response, Insys denies the allegations.

353. Insys denies the allegations set forth in paragraph 353 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 353 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 353 of the Complaint. Insys avers that the source material cited in paragraph 353 and footnotes 85-88, to the extent it



exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 353 and footnotes 85-88 requires response, Insys denies the allegations.

354. Insys denies the allegations set forth in paragraph 354 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 354 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 354 of the Complaint. Insys avers that the source material cited in paragraph 354 and footnote 89, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 354 and footnote 89 requires response, Insys denies the allegations.

355. Insys avers that the source material cited in paragraph 355 and footnotes 90-91, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 355 and footnotes 90-91 requires response, Insys denies the allegations.

356. Insys denies the allegations set forth in paragraph 356 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 356 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 356 of the Complaint.

**i. American Pain Foundation**

357. The allegations set forth in paragraph 357 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys;

to the extent an answer is required, Insys denies the allegations set forth in paragraph 357 of the Complaint.

358. The allegations set forth in paragraph 358 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 358 of the Complaint. Insys avers that the source material cited in paragraph 358, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 358 requires response, Insys denies the allegations.

359. The allegations set forth in paragraph 359 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 359 of the Complaint. Insys avers that the source material cited in paragraph 359, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 359 requires response, Insys denies the allegations.

360. The allegations set forth in paragraph 360 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 360 of the Complaint. Insys avers that the source material cited in paragraph 360, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 360 requires response, Insys denies the allegations.

361. Insys denies the allegations set forth in paragraph 361 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 361 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 361 of the Complaint.

362. The allegations set forth in paragraph 362 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 362 of the Complaint. Insys avers that the source material cited in paragraph 362, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 362 requires response, Insys denies the allegations.

363. The allegations set forth in paragraph 363 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 363 of the Complaint. Insys avers that the source material cited in paragraph 363, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 363 requires response, Insys denies the allegations.

364. Insys denies the allegations set forth in paragraph 364 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 364 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 364 of the Complaint. Insys avers that the source material cited in paragraph 364, to the extent it exists, speaks for itself,

and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 364 requires response, Insys denies the allegations.

**ii. American Academy of Pain Management and the American Pain Society**

365. Insys denies the allegations set forth in paragraph 365 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 365 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 365 of the Complaint. Insys avers that the source material cited in paragraph 365 and footnote 92, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 365 and footnote 92 requires response, Insys denies the allegations.

366. The allegations set forth in paragraph 366 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 366 of the Complaint.

367. Insys denies the allegations set forth in paragraph 367 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 367 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 367 of the Complaint. Insys avers that the source material cited in paragraph 367 and footnote 93, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the

accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 367 and footnote 93 requires response, Insys denies the allegations.

368. Insys denies the allegations set forth in paragraph 368 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 368 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 368 of the Complaint.

369. The allegations set forth in paragraph 369 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 369 of the Complaint. Insys avers that the source material cited in paragraph 369, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 369 requires response, Insys denies the allegations.

370. Insys denies the allegations set forth in paragraph 370 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 370 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 370 of the Complaint.

371. The allegations set forth in paragraph 371 of the Complaint pertain to a period of time prior to FDA granting approval to Insys to market SUBSYS® and, therefore, Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 371 of the Complaint. The allegations set forth in paragraph 371 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 371

of the Complaint. Insys avers that the source material cited in paragraph 371, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 371 requires response, Insys denies the allegations.

372. The allegations set forth in paragraph 372 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 372 of the Complaint.

373. The allegations set forth in paragraph 373 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 373 of the Complaint. Insys avers that the source material cited in paragraph 373, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 373 requires response, Insys denies the allegations.

374. Insys denies the allegations set forth in paragraph 374 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 374 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 374 of the Complaint. Insys avers that the source material cited in paragraph 374 and footnote 94, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 374 and footnote 94 requires response, Insys denies the allegations.

375. The allegations set forth in paragraph 375 of the Complaint pertain to a period of time prior to FDA granting approval to Insys to market SUBSYS® and, therefore, Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 375 of the Complaint.

376. Insys denies the allegations set forth in paragraph 376 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 376 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 376 of the Complaint. Insys avers that the source material cited in paragraph 376, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 376 requires response, Insys denies the allegations.

**iii. Federation of State Medical Boards**

377. Insys admits that medical boards have the power to license doctors, investigate complaints, and discipline physicians.

378. The allegations set forth in paragraph 378 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 378 of the Complaint.

379. The allegations set forth in paragraph 379 of the Complaint pertain to a period of time prior to FDA granting approval to Insys to market SUBSYS® and, therefore, Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 379 of the Complaint. The allegations set forth in paragraph 379 of the Complaint are

specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 379 of the Complaint. Insys avers that the source material cited in paragraph 379, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 379 requires response, Insys denies the allegations.

380. The allegations set forth in paragraph 380 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 380 of the Complaint. Insys avers that the source material cited in paragraph 380, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 380 requires response, Insys denies the allegations.

381. The allegations set forth in paragraph 381 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 381 of the Complaint. Insys avers that the source material cited in paragraph 381, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 381 requires response, Insys denies the allegations.

382. Insys denies the allegations set forth in paragraph 382 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 382 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an



answer is required, Insys denies those allegations set forth in paragraph 382 of the Complaint. Insys avers that the source material cited in paragraph 382, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 382 requires response, Insys denies the allegations.

**iv. The Alliance for Patient Access**

383. The allegations set forth in paragraph 383 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 383 of the Complaint. Insys avers that the source material cited in paragraph 383 and footnotes 95-96, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 383 and footnotes 95-96 requires response, Insys denies the allegations.

384. Insys admits only that it made certain payments to Dr. Hoffberg and Dr. Nalamachu, but denies the characterizations of those payments in paragraph 384 and denies the remaining allegations set forth in paragraph 384 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 384 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 384 of the Complaint. Insys avers that the source material cited in paragraph 384 and footnote 97, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 384 and footnote 97 requires response, Insys denies the allegations.

385. Insys avers that the source material cited in paragraph 385 and footnotes 98-99, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 385 and footnotes 98-99 requires response, Insys denies the allegations.

386. Insys avers that the source material cited in paragraph 386 and footnote 100, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 386 and footnote 100 requires response, Insys denies the allegations.

387. Insys avers that the source material cited in paragraph 387 and footnote 101, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 387 and footnote 101 requires response, Insys denies the allegations.

388. Insys avers that the source material cited in paragraph 388 and footnote 102, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 388 and footnote 102 requires response, Insys denies the allegations.

389. The allegations set forth in paragraph 389 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 389 of the Complaint.

390. The allegations set forth in paragraph 390 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 390 of the

Complaint. Insys avers that the source material cited in paragraph 390 and footnotes 103-04, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 390 and footnotes 103-04 requires response, Insys denies the allegations.

**v. The U.S. Pain Foundation**

391. The allegations set forth in paragraph 391 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 391 of the Complaint. Insys avers that the source material cited in paragraph 391 and footnote 105, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 391 and footnote 105 requires response, Insys denies the allegations.

**vi. American Geriatrics Society**

392. The allegations set forth in paragraph 392 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 392 of the Complaint. Insys avers that the source material cited in paragraph 392 and footnotes 106-07, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 392 and footnotes 106-07 requires response, Insys denies the allegations.

393. The allegations set forth in paragraph 393 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 393 of the

Complaint. Insys avers that the source material cited in paragraph 393 and footnote 108, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 393 and footnote 108 requires response, Insys denies the allegations.

394. Insys denies the allegations set forth in paragraph 394 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 394 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 394 of the Complaint.

395. Insys denies the allegations set forth in paragraph 395 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 395 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 395 of the Complaint.

**b. The Marketing Defendants Paid Key Opinion Leaders to Deceptively Promote Opioid Use.**

396. Insys denies the allegations set forth in paragraph 396 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 396 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 396 of the Complaint.

397. Insys denies the allegations set forth in paragraph 397 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 397 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 397 of the Complaint.

398. Insys denies the allegations set forth in paragraph 398 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 398 of the Complaint are specific to

Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 398 of the Complaint.

399. Insys denies the allegations set forth in paragraph 399 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 399 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 399 of the Complaint.

400. Insys denies the allegations set forth in paragraph 400 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 400 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 400 of the Complaint.

401. Insys denies the allegations set forth in paragraph 401 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 401 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 401 of the Complaint.

402. Insys denies the allegations set forth in paragraph 402 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 402 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 402 of the Complaint.

403. Insys denies the allegations set forth in paragraph 403 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 403 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 403 of the Complaint.

**i. Dr. Russell Portenoy**

404. The allegations set forth in paragraph 404 of the Complaint pertain to a period of time prior to FDA granting approval to Insys to market SUBSYS® and, therefore, Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 404 of the Complaint. Insys avers that the source material cited in paragraph 404 and footnote 109, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 404 and footnote 109 requires response, Insys denies the allegations.

405. The allegations set forth in paragraph 405 of the Complaint pertain to a period of time prior to FDA granting approval to Insys to market SUBSYS® and, therefore, Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 405 of the Complaint. Insys avers that the source material cited in paragraph 405 and footnotes 110-11, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 405 and footnotes 110-11 requires response, Insys denies the allegations.

406. Insys denies the allegations set forth in paragraph 406 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 406 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 406 of the Complaint. Insys avers that the source material cited in paragraph 406 and footnote 112, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the

accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 406 and footnote 112 requires response, Insys denies the allegations.

407. Insys denies the allegations set forth in paragraph 407 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 407 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 407 of the Complaint. Insys avers that the source material cited in paragraph 407 and footnote 113, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 407 and footnote 113 requires response, Insys denies the allegations.

408. Insys denies the allegations set forth in paragraph 408 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 408 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 408 of the Complaint.

409. The allegations set forth in paragraph 409 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 409 of the Complaint. Insys avers that the source material cited in paragraph 409 and footnotes 114-16, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 409 and footnotes 114-116 requires response, Insys denies the allegations.

410. Insys avers that the source material cited in paragraph 410 and footnote 117, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer.

To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 410 and footnote 117 requires response, Insys denies the allegations.

411. Insys avers that the source material cited in paragraph 411 and footnote 118, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 411 and footnote 118 requires response, Insys denies the allegations.

**ii. Dr. Lynn Webster**

412. The allegations set forth in paragraph 412 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 412 of the Complaint.

413. The allegations set forth in paragraph 413 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 413 of the Complaint. Insys avers that the source material cited in paragraph 413, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 413 requires response, Insys denies the allegations.

414. Insys denies the allegations set forth in paragraph 414 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 414 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 414 of the Complaint.



415. The allegations set forth in paragraph 415 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 415 of the Complaint. Insys avers that the source material cited in paragraph 415, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 415 requires response, Insys denies the allegations.

416. The allegations set forth in paragraph 416 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 416 of the Complaint. Insys avers that the source material cited in paragraph 416, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 416 requires response, Insys denies the allegations.

**iii. Dr. Perry Fine**

417. Insys denies the allegations set forth in paragraph 417 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 417 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 417 of the Complaint.

418. The allegations set forth in paragraph 418 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 418 of the Complaint. Insys avers that the source material cited in paragraph 418, to the extent it exists, speaks

for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 418 requires response, Insys denies the allegations.

419. The allegations set forth in paragraph 419 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 419 of the Complaint. Insys avers that the source material cited in paragraph 419, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 419 requires response, Insys denies the allegations.

420. The allegations set forth in paragraph 420 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 420 of the Complaint. Insys avers that the source material cited in paragraph 420 and footnote 119, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 420 and footnote 119 requires response, Insys denies the allegations.

421. The allegations set forth in paragraph 421 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 421 of the Complaint. Insys avers that the source material cited in paragraph 421 and footnotes 120-21, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer.

To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 421 and footnotes 120-21 requires response, Insys denies the allegations.

422. Insys avers that the source material cited in paragraph 422 and footnote 122, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 422 and footnote 122 requires response, Insys denies the allegations.

423. The allegations set forth in paragraph 423 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 423 of the Complaint. Insys avers that the source material cited in paragraph 423 and footnotes 123-24, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 423 and footnotes 123-24 requires response, Insys denies the allegations.

**iv. Dr. Scott Fishman**

424. Insys denies the allegations set forth in paragraph 424 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 424 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 424 of the Complaint. Insys avers that the source material cited in paragraph 424 and footnote 125, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 424 and footnote 125 requires response, Insys denies the allegations.

425. The allegations set forth in paragraph 425 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 425 of the Complaint. Insys avers that the source material cited in paragraph 425, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 425 requires response, Insys denies the allegations.

426. The allegations set forth in paragraph 426 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 426 of the Complaint. Insys avers that the source material cited in paragraph 426 and footnote 126, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 426 and footnote 126 requires response, Insys denies the allegations.

427. Insys avers that the source material cited in paragraph 427 and footnote 127, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 427 and footnote 127 requires response, Insys denies the allegations.

428. The allegations set forth in paragraph 428 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 428 of the Complaint. Insys avers that the source material cited in paragraph 428 and footnote 128, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer.

To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 428 and footnote 128 requires response, Insys denies the allegations.

**c. The Marketing Defendants Disseminated Their Misrepresentations Through Continuing Medical Education Programs**

429. Insys denies the allegations set forth in paragraph 429 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 429 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 429 of the Complaint.

430. Insys denies the allegations set forth in paragraph 430 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 430 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 430 of the Complaint.

431. Insys admits only that a CME is continuing education provided to healthcare professionals.

432. Insys denies the allegations set forth in paragraph 432 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 432 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 432 of the Complaint.

433. Insys denies the allegations set forth in paragraph 433 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 433 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 433 of the Complaint.

434. The allegations set forth in paragraph 434 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys;

to the extent an answer is required, Insys denies the allegations set forth in paragraph 434 of the Complaint.

435. The allegations set forth in paragraph 435 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 435 of the Complaint. Insys avers that the source material cited in paragraph 435 and footnote 129, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 435 and footnote 129 requires response, Insys denies the allegations.

436. The allegations set forth in paragraph 436 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 436 of the Complaint. Insys avers that the source material cited in paragraph 436, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 436 requires response, Insys denies the allegations.

437. The allegations set forth in paragraph 437 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 437 of the Complaint. Insys avers that the source material cited in paragraph 437, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 437 requires response, Insys denies the allegations.

438. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 438 of the Complaint, and therefore denies those allegations.

439. Insys avers that the source material cited in paragraph 439 and footnote 130, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 439 and footnote 130 requires response, Insys denies the allegations.

440. Insys denies the allegations set forth in paragraph 440 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 440 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 440 of the Complaint.

441. Insys denies the allegations set forth in paragraph 441 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 441 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 441 of the Complaint.

**d. The Marketing Defendants Used "Branded" Advertising to Promote their Products to Doctors and Consumers**

442. Insys denies the allegations set forth in paragraph 442 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 442 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 442 of the Complaint.

443. Insys denies the allegations set forth in paragraph 443 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 443 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 443 of the Complaint.

Insys avers that the source material cited in paragraph 443 and footnotes 131-32, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 443 and footnotes 131-32 requires response, Insys denies the allegations.

**e. The Marketing Defendants Used "Unbranded" Advertising to Promote Opioid Use for Chronic Pain Without FDA Review**

444. Insys denies the allegations set forth in paragraph 444 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 444 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 444 of the Complaint.

445. Insys denies the allegations set forth in paragraph 445 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 445 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 445 of the Complaint. Insys avers that the source material cited in paragraph 445, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 445 requires response, Insys denies the allegations.

**f. The Marketing Defendants Funded, Edited and Distributed**

446. Insys denies the allegations set forth in paragraph 446 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 446 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 446 of the Complaint.



447. Insys denies the allegations set forth in paragraph 447 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 447 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 447 of the Complaint.

448. Insys denies the allegations set forth in paragraph 448 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 448 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 448 of the Complaint.

449. Insys denies the allegations set forth in paragraph 449 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 449 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 449 of the Complaint.

450. Insys denies the allegations set forth in paragraph 450 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 450 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 450 of the Complaint.

451. The allegations set forth in paragraph 451 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 451 of the Complaint. Insys avers that the source material cited in paragraph 451 and footnotes 133-34, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 451 and footnotes 133-34 requires response, Insys denies the allegations.

**g. The Marketing Defendants Used Detailing to Directly Disseminate Their Misrepresentations to Prescribers**

452. To the extent the allegations set forth in paragraph 452 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 452 of the Complaint.

453. Insys denies the allegations set forth in paragraph 453 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 453 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 453 of the Complaint.

454. Insys denies the allegations set forth in paragraph 454 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 454 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 454 of the Complaint.

455. Insys denies the allegations set forth in paragraph 455 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 455 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 455 of the Complaint.

456. The allegations set forth in paragraph 456 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 456 of the Complaint.

457. The allegations set forth in paragraph 457 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys;

to the extent an answer is required, Insys denies the allegations set forth in paragraph 457 of the Complaint.

458. The allegations set forth in paragraph 458 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 458 of the Complaint.

459. The allegations set forth in paragraph 459 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 459 of the Complaint.

460. The allegations set forth in paragraph 460 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 460 of the Complaint.

461. The allegations set forth in paragraph 461 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 461 of the Complaint.

**h. Marketing Defendants Used Speakers' Bureaus and Programs to Spread Their Deceptive Messages**

462. Insys denies the allegations set forth in paragraph 462 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 462 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 462 of the Complaint.

463. Insys denies that in or around Summit County it paid prescribers for fake speakers programs in exchange for prescribing SUBSYS®. Insys denies that any scheme on its part resulted in countless speakers programs at which the designated speakers did not speak or at which the only attendees in attendance at the events were the speaker and an Insys employee. Insys denies that in or around Summit County it had a pay-to-prescribe program.

464. Insys denies the allegations set forth in paragraph 464 of the Complaint.

**3. The Marketing Defendants Targeted Vulnerable Populations**

465. Insys denies the allegations set forth in paragraph 465 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 465 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 465 of the Complaint.

466. Insys states that allegations set forth in paragraph 466 of the Complaint reflect scientific, technical, medical, or other specialized opinions and conclusions the truth of which would more appropriately be the subject of expert testimony, and Insys therefore denies those allegations.

467. Insys denies the allegations set forth in paragraph 467 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 467 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 467 of the Complaint. Insys avers that the source material cited in paragraph 467, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 467 requires response, Insys denies the allegations.

468. The allegations set forth in paragraph 468 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 468 of the Complaint. Insys avers that the source material cited in paragraph 468, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 468 requires response, Insys denies the allegations.

469. Insys avers that the source material cited in paragraph 469, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 469 requires response, Insys denies the allegations.

470. Insys denies the allegations set forth in paragraph 470 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 470 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 470 of the Complaint. Insys avers that the source material cited in paragraph 470, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 470 requires response, Insys denies the allegations.

471. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 471 of the Complaint, and therefore denies those allegations.

**4. Insys Employed Fraudulent, Illegal, and Misleading Marketing Schemes to Promote Subsys**

472. Insys admits only that Insys received FDA approval for SUBSYS®, a fentanyl sublingual spray product designed to treat breakthrough cancer pain in 2012, and that its label speaks for itself. Insys denies the remaining allegations in paragraph 472.

473. Insys admits only that SUBSYS® has at all times been subject to the FDA-mandated Transmucosal Immediate Release Fentanyl (TIRF) Risk Evaluation Mitigation Strategy (REMS) program, which ensures that anyone who will prescribe, dispense or receive SUBSYS® outside of a hospital setting fully understands the risks of prescribing and using SUBSYS®. Insys denies the remaining allegations set forth in paragraph 473. Insys avers that the source material cited in paragraph 473 and footnote 135 to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 473 and footnote 135 requires response, Insys denies the allegations.

474. Insys admits that SUBSYS is an expensive medication and that a month's supply could cost thousands of dollars.

475. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in the first sentence of paragraph 475 and therefore denies those allegations. Insys avers that the source material cited in paragraph 475 and footnote 136 to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 475 and footnote 136 requires response, Insys denies the allegations.

476. Insys admits that it created a prior authorization unit called the Insys Reimbursement Center. Because paragraph 476 does not identify which prior authorizations are

being referred to, Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 476 and therefore denies those allegations.

477. Insys avers that it is a publicly traded company and its financial information is publicly available and speaks for itself, and therefore the allegations relying upon it require no answer. Insys denies the remaining allegations in paragraph 477.

478. Insys denies the allegations set forth in paragraph 478.

479. Insys admits that at some earlier time, one or more of its sales representatives were new to the pharmaceutical industry, their compensation structure could be weighted toward commissions, and upon information and belief their base salaries may have been low compared to the industry standard. Insys denies the remaining allegations set forth in paragraph 479.

480. Insys denies the allegations set forth in paragraph 480. Insys avers that the source material cited in paragraph 480 and footnote 138 to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 480 and footnote 137 requires response, Insys denies the allegations.

481. Insys admits only that similar allegations have been made elsewhere, such as in the matters publicly disclosed in Insys' financial statements. Insys denies the remaining allegations in paragraph 481.

482. Insys denies the allegations set forth in paragraph 482. Insys avers that the source material cited in paragraph 482, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 482 requires response, Insys denies the allegations.

483. Insys denies the allegations set forth in paragraph 483. Insys avers that the source material cited in paragraph 483, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 483 requires response, Insys denies the allegations.

484. Insys admits only that it entered into a settlement agreement with the Oregon Attorney General in August 2015. Insys avers that the source material cited in paragraph 484, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 484 requires response, Insys denies the allegations.

485. Insys admits only that the State of Illinois brought suit against Insys in August 2016. Insys avers that the source material cited in paragraph 485, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 485 requires response, Insys denies the allegations.

486. Insys admits only that the arrests occurred. Insys avers that the source material cited in paragraph 486 and footnotes 139-40, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 486 and footnotes 139-40 requires response, Insys denies the allegations.

**5. The Marketing Defendants' Scheme Succeeded, Creating a Public Health Epidemic**

**a. Marketing Defendants Dramatically Expanded Opioid Prescribing and Use**

487. Paragraph 487 has been stricken, and no response is required.



488. Insys denies the allegations set forth in paragraph 488 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 488 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 488 of the Complaint.

489. The allegations set forth in paragraph 489 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 489 of the Complaint.

490. The allegations set forth in paragraph 490 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 490 of the Complaint. Insys avers that the source material cited in paragraph 490 and footnotes 141-42, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 490 and footnotes 141-42 requires response, Insys denies the allegations.

491. Insys denies the allegations set forth in paragraph 491 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 491 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 491 of the Complaint.

492. Insys denies the allegations set forth in paragraph 492 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 492 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 492 of the Complaint.

493. Insys denies the allegations set forth in paragraph 493 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 493 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 493 of the Complaint. Insys avers that the source material cited in paragraph 493, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 493 requires response, Insys denies the allegations.

494. Insys denies the allegations set forth in paragraph 494 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 494 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 494 of the Complaint.

**1. Marketing Defendants' Deception in Expanding Their Market Created and Fueled the Opioid Epidemic**

495. Insys denies the allegations set forth in paragraph 495. Insys avers that the source material cited in paragraph 495 and footnote 143, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 495 and footnote 143 requires response, Insys denies the allegations.

496. Insys denies the allegations set forth in paragraph 496. Insys avers that the source material cited in paragraph 496 and footnote 144 to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 496 and footnote 144 requires response, Insys denies the allegations.

497. Paragraph 497 has been stricken, and no response is required.

**E. Defendants Throughout the Supply Chain Deliberately Disregarded Their Duties to Maintain Effective Controls and to Identify, Report, and Take Steps to Halt Suspicious Orders**

498. Insys denies the allegations set forth in paragraph 498 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 498 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 498 of the Complaint.

499. Insys denies the allegations set forth in paragraph 499 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 499 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 499 of the Complaint.

500. The allegations set forth in paragraph 500 of the Complaint contain legal conclusions to which no response is required. To the extent that a response is required, Insys denies the allegations set forth in paragraph 500 of the Complaint.

487. Insys denies the allegations set forth in paragraph 487 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 487 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 487 of the Complaint. Insys avers that the source material cited in paragraph 487 to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 487 requires response, Insys denies the allegations.

497. Insys avers that the source material cited in paragraph 497 and footnote 147 to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer.

To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 497 and footnote 147 requires response, Insys denies the allegations.

**1. All Defendants Have a Duty to Report Suspicious Orders and Not to Ship Those Orders Unless Due Diligence Disproves Their Suspicions**

501. The allegations set forth in paragraph 501 of the Complaint contain legal conclusions to which no response is required. To the extent that a response is required, Insys denies the allegations set forth in paragraph 501 of the Complaint.

502. The allegations set forth in paragraph 502 of the Complaint contain legal conclusions to which no response is required. Insys denies the allegations set forth in paragraph 502 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 502 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 502 of the Complaint.

503. The allegations set forth in paragraph 503 of the Complaint contain legal conclusions to which no response is required. Insys denies the allegations set forth in paragraph 503 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 503 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 503 of the Complaint.

504. The allegations set forth in paragraph 504 of the Complaint contain legal conclusions to which no response is required. Insys denies the allegations set forth in paragraph 504 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 504 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is

required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 504 of the Complaint.

505. The allegations set forth in paragraph 505 of the Complaint contain legal conclusions to which no response is required. Insys denies the allegations set forth in paragraph 505 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 505 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 505 of the Complaint.

506. The allegations set forth in paragraph 506 of the Complaint contain legal conclusions to which no response is required. Insys denies the allegations set forth in paragraph 506 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 506 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 506 of the Complaint.

507. The allegations set forth in paragraph 507 of the Complaint contain legal conclusions to which no response is required. To the extent that a response is required, Insys denies the allegations set forth in paragraph 507 of the Complaint.

508. The allegations set forth in paragraph 508 of the Complaint contain legal conclusions to which no response is required. To the extent that a response is required, Insys denies the allegations set forth in paragraph 508 of the Complaint.

509. The allegations set forth in paragraph 509 of the Complaint contain legal conclusions to which no response is required. To the extent that a response is required, Insys denies the allegations set forth in paragraph 509 of the Complaint.

510. The allegations set forth in paragraph 510 of the Complaint contain legal conclusions to which no response is required. To the extent that a response is required, Insys denies the allegations set forth in paragraph 510 of the Complaint.

511. The allegations set forth in paragraph 511 of the Complaint contain legal conclusions to which no response is required. To the extent that a response is required, Insys denies the allegations set forth in paragraph 511 of the Complaint.

512. The allegations set forth in paragraph 512 of the Complaint contain legal conclusions to which no response is required. To the extent that a response is required, Insys denies the allegations set forth in paragraph 512 of the Complaint.

513. The allegations set forth in paragraph 513 of the Complaint contain legal conclusions to which no response is required. To the extent that a response is required, Insys denies the allegations set forth in paragraph 513 of the Complaint.

514. The allegations set forth in paragraph 514 of the Complaint contain legal conclusions to which no response is required. To the extent that a response is required, Insys denies the allegations set forth in paragraph 514 of the Complaint.

515. The allegations set forth in paragraph 515 of the Complaint contain legal conclusions to which no response is required. The allegations set forth in paragraph 515 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 515 of the Complaint.

516. Insys denies the allegations set forth in paragraph 516 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 516 of the Complaint are specific to

Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 516 of the Complaint.

517. The allegations set forth in paragraph 517 of the Complaint contain legal conclusions to which no response is required. To the extent that a response is required, Insys denies the allegations set forth in paragraph 517 of the Complaint.

518. The allegations set forth in paragraph 518 of the Complaint contain legal conclusions to which no response is required. Insys denies the allegations set forth in paragraph 518.

**2. Defendants Were Aware of and Have Acknowledged Their Obligations to Prevent Diversion and to Report and Take Steps to Halt Suspicious Orders**

519. The allegations set forth in paragraph 519 of the Complaint contain legal conclusions to which no response is required. The allegations set forth in paragraph 519 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 519 of the Complaint.

520. The allegations set forth in paragraph 520 of the Complaint contain legal conclusions to which no response is required. To the extent that a response is required, Insys denies the allegations set forth in paragraph 520 of the Complaint.

521. The allegations set forth in paragraph 521 of the Complaint contain legal conclusions to which no response is required. The allegations set forth in paragraph 521 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 521 of the Complaint. Insys avers that the source material cited in paragraph 521 to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no

answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 521 requires response, Insys denies the allegations.

522. The allegations set forth in paragraph 522 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 522 of the Complaint. Insys avers that the source material cited in paragraph 522 to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 522 requires response, Insys denies the allegations.

523. Insys denies the allegations set forth in paragraph 523 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 523 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 523 of the Complaint.

524. Insys denies the allegations set forth in paragraph 524 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 524 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 524 of the Complaint. Insys avers that the source material cited in paragraph 524 to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 524 requires response, Insys denies the allegations.

525. Insys denies the allegations set forth in paragraph 525 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 525 of the Complaint are specific to



Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 525 of the Complaint. Insys avers that the source material cited in paragraph 525 to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 525 requires response, Insys denies the allegations.

**3. Defendants Worked Together to Inflate the Quotas of Opioids They Could Distribute**

526. Insys denies the allegations set forth in paragraph 526 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 526 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 526 of the Complaint.

527. Insys denies the allegations set forth in paragraph 527 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 527 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 527 of the Complaint. Insys avers that the source material cited in paragraph 527 to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 527 requires response, Insys denies the allegations.

528. Insys denies the allegations set forth in paragraph 528 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 528 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 528 of the Complaint.

529. Insys denies the allegations set forth in paragraph 529 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 529 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 529 of the Complaint. Insys avers that the source material cited in paragraph 529 to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 529 requires response, Insys denies the allegations.

530. Insys denies the allegations set forth in paragraph 530 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 530 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 530 of the Complaint.

531. Insys denies the allegations set forth in paragraph 531 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 531 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 531 of the Complaint.

532. Insys denies the allegations set forth in paragraph 532 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 532 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 532 of the Complaint.

533. Insys avers that the source material cited in paragraph 533 and footnotes 148-49 to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer.

To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 533 and footnotes 148-49 requires response, Insys denies the allegations.

534. Insys denies the allegations set forth in paragraph 534 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 534 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 534 of the Complaint. Insys avers that the source material cited in paragraph 534 and footnotes 150-52 to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 534 and footnotes 150-52 requires response, Insys denies the allegations.

535. Insys denies the allegations set forth in paragraph 535 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 535 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 535 of the Complaint. Insys avers that the source material cited in paragraph 535 and footnotes 153-54 to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 535 and footnotes 153-54 requires response, Insys denies the allegations.

536. Insys denies the allegations set forth in paragraph 536 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 536 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 536 of the Complaint. Insys avers that the source material cited in paragraph 536 and footnote 155 to the extent it exists,

speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 536 and footnote 155 requires response, Insys denies the allegations.

537. Insys denies the allegations set forth in paragraph 537 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 537 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 537 of the Complaint. Insys avers that the source material cited in paragraph 537 and footnote 156 to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 537 and footnote 156 requires response, Insys denies the allegations.

538. Insys denies the allegations set forth in paragraph 538 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 538 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 538 of the Complaint. Insys avers that the source material cited in paragraph 538 to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 538 and requires response, Insys denies the allegations.

539. Insys denies the allegations set forth in paragraph 539 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 539 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 539 of the Complaint.

540. Insys denies the allegations set forth in paragraph 540 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 540 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 540 of the Complaint. Insys avers that the source material cited in paragraph 540 and footnotes 157-59 to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 540 and footnotes 157-59 and requires response, Insys denies the allegations.

541. Insys denies the allegations set forth in paragraph 541 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 541 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 541 of the Complaint. Insys avers that the source material cited in paragraph 541 to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 541 and requires response, Insys denies the allegations.

542. Insys denies the allegations set forth in paragraph 542 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 542 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 542 of the Complaint. Insys avers that the source material cited in paragraph 542 to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of

Plaintiffs' characterization or contextualization of the source material cited in paragraph 542 and requires response, Insys denies the allegations.

543. Insys denies the allegations set forth in paragraph 543 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 543 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 543 of the Complaint.

544. Insys denies the allegations set forth in paragraph 544. The allegations set forth in paragraph 544 of the Complaint contain legal conclusions to which no response is required. To the extent that a response is required, Insys denies the allegations set forth in paragraph 544 of the Complaint.

545. Insys denies the allegations set forth in paragraph 545 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 545 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 545 of the Complaint. Insys avers that the source material cited in paragraph 545 to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 545 requires response, Insys denies the allegations.

546. Insys denies the allegations set forth in paragraph 546 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 546 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 546 of the Complaint. Insys avers that the source material cited in paragraph 546 to the extent it exists, speaks for itself,

and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 546 requires response, Insys denies the allegations.

547. Paragraph 547 is stricken and does not require a response.

548. Insys denies the allegations set forth in paragraph 548 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 548 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 548 of the Complaint.

549. Insys denies the allegations set forth in paragraph 549 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 549 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 549 of the Complaint.

550. Insys denies the allegations set forth in paragraph 550 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 550 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 550 of the Complaint.

551. The allegations set forth in paragraph 551 of the Complaint contain legal conclusions to which no response is required. To the extent that a response is required, Insys denies the allegations set forth in paragraph 551 of the Complaint.

552. The allegations set forth in paragraph 552 of the Complaint contain legal conclusions to which no response is required. Insys denies the allegations set forth in paragraph 552 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 552 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is

required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 552 of the Complaint.

553. Insys denies the allegations set forth in paragraph 553 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 553 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 553 of the Complaint.

**1. Defendants Kept Careful Track of Prescribing Data and Knew About Suspicious Orders and Prescribers**

554. Insys denies the allegations set forth in paragraph 554 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 554 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 554 of the Complaint.

555. Insys denies the allegations set forth in paragraph 555 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 555 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 555 of the Complaint.

556. Insys denies the allegations set forth in paragraph 556 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 556 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 556 of the Complaint.

557. Insys denies the allegations set forth in paragraph 557 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 557 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 557 of the Complaint.



558. Insys admits only that it obtained certain data from some of the Data Vendors, as that term is defined in paragraph 558.

559. The allegations set forth in paragraph 559 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 559 of the Complaint. Insys avers that the source material cited in paragraph 559 and footnote 160 to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 559 and footnote 160 requires response, Insys denies the allegations.

560. Insys denies the allegations set forth in paragraph 560 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 560 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 560 of the Complaint. Insys avers that the source material cited in paragraph 560 and footnote 161 to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 560 and footnote 161 requires response, Insys denies the allegations.

561. Insys admits only that it obtained certain data from IMS, and denies the remaining allegations set forth in paragraph 561.

562. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 562 of the Complaint, and therefore denies those allegations. Insys avers that the source material cited in paragraph 562 and footnote 162 to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the

accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 562 and footnote 162 requires response, Insys denies the allegations.

563. Insys denies the allegations set forth in paragraph 563 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 563 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 563 of the Complaint. Insys avers that the source material cited in paragraph 563 and footnote 163 to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 563 and footnote 163 requires response, Insys denies the allegations.

564. Paragraph 564 has been stricken and does not require a response.

565. Insys denies the allegations set forth in paragraph 565 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 565 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 565 of the Complaint.

566. Insys denies the allegations set forth in paragraph 566 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 566 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 566 of the Complaint.

567. Insys denies the allegations set forth in paragraph 566. Insys avers that the source material cited in paragraph 567 to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or

contextualization of the source material cited in paragraph 567 requires response, Insys denies the allegations.

568. Insys denies the allegations set forth in paragraph 568 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 568 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 568 of the Complaint. Insys avers that the source material cited in paragraph 568 and footnote 164 to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 568 and footnotes 164 requires response, Insys denies the allegations.

569. The allegations set forth in paragraph 569 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 569 of the Complaint. Insys avers that the source material cited in paragraph 569 and footnotes 165-66 to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 569 and footnotes 165-66 requires response, Insys denies the allegations.

570. Insys denies the allegations set forth in paragraph 570 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 570 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 570 of the Complaint.

571. Insys admits only that it obtained certain data from IMS, and denies the remaining allegations set forth in paragraph 571.

572. The allegations set forth in paragraph 572 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 572 of the Complaint. Insys avers that the source material cited in paragraph 572 to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 572 requires response, Insys denies the allegations.

573. Insys denies the allegations set forth in paragraph 573 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 573 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 573 of the Complaint. Insys avers that the source material cited in paragraph 573 to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 573 requires response, Insys denies the allegations.

574. Insys denies the allegations set forth in paragraph 574 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 574 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 574 of the Complaint.

575. Insys denies the allegations set forth in paragraph 575 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 575 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 575 of the Complaint.

Insys avers that the source material cited in paragraph 575 and footnote 167 to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 575 and footnote 167 requires response, Insys denies the allegations.

576. Insys denies the allegations set forth in paragraph 576 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 576 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 576 of the Complaint. Insys avers that the source material cited in paragraph 576 to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 576 requires response, Insys denies the allegations.

577. The allegations set forth in paragraph 577 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 577 of the Complaint.

578. Insys denies the allegations set forth in paragraph 578 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 578 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 578 of the Complaint.

**2. Defendants Failed to Report Suspicious Orders or Otherwise Act to Prevent Diversion**

579. Insys denies the allegations set forth in paragraph 579 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 579 of the Complaint are specific to

Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 579 of the Complaint.

580. Insys denies the allegations set forth in paragraph 580 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 580 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 580 of the Complaint.

581. The allegations set forth in paragraph 581 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 581 of the Complaint.

582. The allegations set forth in paragraph 582 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 582 of the Complaint.

583. The allegations set forth in paragraph 583 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 583 of the Complaint.

584. The allegations set forth in paragraph 584 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 584 of the Complaint.

585. The allegations set forth in paragraph 585 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 585 of the Complaint.

586. The allegations set forth in paragraph 586 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 586 of the Complaint. Insys avers that the source material cited in paragraph 586 and footnote 168 to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 586 and footnote 168 requires response, Insys denies the allegations.

587. The allegations set forth in paragraph 587 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 587 of the Complaint. Insys avers that the source material cited in paragraph 587 and footnote 169 to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 587 and footnote 169 requires response, Insys denies the allegations.

588. The allegations set forth in paragraph 588 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 588 of the Complaint.

589. The allegations set forth in paragraph 589 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 589 of the Complaint.

590. The allegations set forth in paragraph 590 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 590 of the Complaint.

591. The allegations set forth in paragraph 591 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 591 of the Complaint.

592. The allegations set forth in paragraph 592 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 592 of the Complaint.

593. Insys denies the allegations set forth in paragraph 593 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 593 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 593 of the Complaint.

**3. Defendants Delayed a Response to the Opioid Crisis by Pretending to Cooperate with Law Enforcement**

594. The allegations set forth in paragraph 594 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys;



to the extent an answer is required, Insys denies the allegations set forth in paragraph 594 of the Complaint.

595. The allegations set forth in paragraph 595 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 595 of the Complaint.

596. The allegations set forth in paragraph 596 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 596 of the Complaint.

597. The allegations set forth in paragraph 597 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 597 of the Complaint.

598. The allegations set forth in paragraph 598 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 598 of the Complaint.

599. Insys denies the allegations set forth in paragraph 599 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 599 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 599 of the Complaint. Insys avers that the source material cited in paragraph 599 and footnote 170 to the extent it exists,

speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 599 and footnote 170 requires response, Insys denies the allegations.

600. Insys denies the allegations set forth in paragraph 600 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 600 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 600 of the Complaint.

601. The allegations set forth in paragraph 601 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 601 of the Complaint.

602. The allegations set forth in paragraph 602 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 602 of the Complaint. Insys avers that the source material cited in paragraph 602 and footnote 171 to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 602 and footnote 171 requires response, Insys denies the allegations.

603. The allegations set forth in paragraph 603 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 603 of the Complaint.

604. The allegations set forth in paragraph 604 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 604 of the Complaint. Insys avers that the source material cited in paragraph 604 and footnotes 172-74 to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 604 and footnote 172-74 requires response, Insys denies the allegations.

605. The allegations set forth in paragraph 605 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 605 of the Complaint.

606. Insys denies the allegations set forth in paragraph 606 of the Complaint that pertain to it. To the extent the allegations set forth in paragraph 606 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies those allegations set forth in paragraph 606 of the Complaint.

**4. The National Retail Pharmacies Were on Notice of and Contributed to Illegal Diversion of Prescription Opioids**

607. The allegations set forth in paragraph 607 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 607 of the Complaint. Insys avers that the source material cited in paragraph 607 and footnote 175 to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 607 and footnote 175 requires response, Insys denies the allegations.

608. The allegations set forth in paragraph 608 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 608 of the Complaint.

609. The allegations set forth in paragraph 609 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 609 of the Complaint.

610. The allegations set forth in paragraph 610 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 610 of the Complaint.

**a. The National Retail Pharmacies Have a Duty to Prevent Diversion**

611. The allegations set forth in paragraph 611 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 611 of the Complaint.

612. The allegations set forth in paragraph 612 of the Complaint contain legal conclusions to which no response is required. To the extent a response is required, Insys disputes that this paragraph is an accurate and complete characterization of the law, and therefore denies the allegations set forth in this paragraph.

613. The allegations set forth in paragraph 613 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys;

to the extent an answer is required, Insys denies the allegations set forth in paragraph 613 of the Complaint.

614. The allegations set forth in paragraph 614 of the Complaint contain legal conclusions to which no response is required. To the extent a response is required, Insys disputes that this paragraph is an accurate and complete characterization of the law, and therefore denies the allegations set forth in this paragraph.

615. The allegations set forth in paragraph 615 of the Complaint contain legal conclusions to which no response is required. To the extent that a response is required, Insys denies the allegations set forth in paragraph 615 of the Complaint.

616. The allegations set forth in paragraph 616 of the Complaint contain legal conclusions to which no response is required. To the extent that a response is required, Insys denies the allegations set forth in paragraph 616 of the Complaint.

617. The allegations set forth in paragraph 617 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 617 of the Complaint.

618. The allegations set forth in paragraph 618 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 618 of the Complaint.

619. The allegations set forth in paragraph 619 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys;

to the extent an answer is required, Insys denies the allegations set forth in paragraph 619 of the Complaint.

620. The allegations set forth in paragraph 620 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 620 of the Complaint.

621. The allegations set forth in paragraph 621 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 621 of the Complaint.

622. The allegations set forth in paragraph 622 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 622 of the Complaint.

623. The allegations set forth in paragraph 623 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 623 of the Complaint.

624. The allegations set forth in paragraph 624 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 624 of the Complaint.

625. The allegations set forth in paragraph 625 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 625 of the Complaint.

626. The allegations set forth in paragraph 626 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 626 of the Complaint.

**b. Multiple Enforcement Actions against the National Retail Pharmacies Confirms their Compliance Failures**

627. The allegations set forth in paragraph 627 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 627 of the Complaint.

**i. CVS**

628. The allegations set forth in paragraph 628 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 628 of the Complaint.

629. The allegations set forth in paragraph 629 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 629 of the Complaint.

630. The allegations set forth in paragraph 630 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 630 of the Complaint. Insys avers that the source material cited in paragraph 630 and footnote 176 to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 630 and footnote 176 requires response, Insys denies the allegations.

631. The allegations set forth in paragraph 631 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 631 of the Complaint.

632. The allegations set forth in paragraph 632 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 632 of the Complaint.

633. The allegations set forth in paragraph 633 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 633 of the Complaint.

634. The allegations set forth in paragraph 634 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 634 of the Complaint.



635. The allegations set forth in paragraph 635 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 635 of the Complaint.

636. The allegations set forth in paragraph 636 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 636 of the Complaint.

637. The allegations set forth in paragraph 637 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 637 of the Complaint.

638. The allegations set forth in paragraph 638 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 638 of the Complaint.

639. The allegations set forth in paragraph 639 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 639 of the Complaint.

640. The allegations set forth in paragraph 640 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys;

to the extent an answer is required, Insys denies the allegations set forth in paragraph 640 of the Complaint.

**ii. Walgreens**

641. The allegations set forth in paragraph 641 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 641 of the Complaint.

642. The allegations set forth in paragraph 642 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 642 of the Complaint.

643. The allegations set forth in paragraph 643 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 643 of the Complaint.

644. The allegations set forth in paragraph 644 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 644 of the Complaint.

645. The allegations set forth in paragraph 645 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 645 of the Complaint.

646. The allegations set forth in paragraph 646 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 646 of the Complaint.

647. The allegations set forth in paragraph 647 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 647 of the Complaint.

648. The allegations set forth in paragraph 648 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 648 of the Complaint.

649. The allegations set forth in paragraph 649 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 649 of the Complaint.

**iii. Rite Aid**

650. The allegations set forth in paragraph 650 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 650 of the Complaint.

651. The allegations set forth in paragraph 651 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys;

to the extent an answer is required, Insys denies the allegations set forth in paragraph 651 of the Complaint.

652. The allegations set forth in paragraph 652 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 652 of the Complaint.

653. The allegations set forth in paragraph 653 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 653 of the Complaint.

654. The allegations set forth in paragraph 654 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 654 of the Complaint.

655. The allegations set forth in paragraph 655 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 655 of the Complaint.

656. The allegations set forth in paragraph 656 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 656 of the Complaint.

657. The allegations set forth in paragraph 657 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 657 of the Complaint.

658. The allegations set forth in paragraph 658 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 658 of the Complaint.

659. The allegations set forth in paragraph 659 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 659 of the Complaint.

**F. The Opioids the Defendants Sold Migrated into Other Jurisdictions**

660. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 660 and, therefore, denies those allegations.

661. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 661 and, therefore, denies those allegations.

662. Insys lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 662 and, therefore, denies those allegations.

663. The allegations set forth in paragraph 663 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 663 of the Complaint. Insys avers that the source material cited in paragraph 663 and footnotes 177-78, to

the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 663 and footnotes 177-78 requires response, Insys denies the allegations.

664. The allegations set forth in paragraph 664 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 664 of the Complaint.

665. The allegations set forth in paragraph 665 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 665 of the Complaint. Insys avers that the source material cited in paragraph 665 and footnotes 179-80, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 665 and footnotes 179-80 requires response, Insys denies the allegations.

666. The allegations set forth in paragraph 666 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 666 of the Complaint. Insys avers that the source material cited in paragraph 666 and footnote 181, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 666 and footnote 181 requires response, Insys denies the allegations.

667. The allegations set forth in paragraph 667 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys;

to the extent an answer is required, Insys denies the allegations set forth in paragraph 667 of the Complaint.

668. The allegations set forth in paragraph 668 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 668 of the Complaint.

669. The allegations set forth in paragraph 669 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 669 of the Complaint.

670. Insys denies the allegations set forth in paragraph 670 that pertain to it. To the extent the allegations set forth in paragraph 670 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 670 of the Complaint.

**G. Ohio-Specific Facts**

671. Insys denies the allegations set forth in paragraph 671 that pertain to it. To the extent the allegations set forth in paragraph 671 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 671 of the Complaint.

**1. The Devastating Effects of the Opioid Crisis in Ohio and Plaintiffs' Communities**

**a. Marketing Defendants' Implementation of Their Scheme in Summit County**

672. Insys denies the allegations set forth in paragraph 672 that pertain to it. To the extent the allegations set forth in paragraph 672 of the Complaint are specific to Defendants and/or third

parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 672 of the Complaint.

673. Insys admits only that employees of Insys visited health care providers in Ohio, but denies the remaining allegations set forth in paragraph 673 that pertain to it. To the extent the allegations set forth in paragraph 673 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 673 of the Complaint. Insys avers that the source material cited in paragraph 673, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 673 requires response, Insys denies the allegations.

674. Insys denies the allegations set forth in paragraph 674 that pertain to it. To the extent the allegations set forth in paragraph 674 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 674 of the Complaint.

675. Insys denies the allegations set forth in paragraph 675 that pertain to it. To the extent the allegations set forth in paragraph 675 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 675 of the Complaint.

676. Insys denies the allegations set forth in paragraph 676 that pertain to it. To the extent the allegations set forth in paragraph 676 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 676 of the Complaint.



677. The allegations set forth in paragraph 677 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 677 of the Complaint.

678. Insys denies the allegations set forth in paragraph 678 that pertain to it. To the extent the allegations set forth in paragraph 678 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 678 of the Complaint.

679. The allegations set forth in paragraph 679 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 679 of the Complaint.

680. The allegations set forth in paragraph 680 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 680 of the Complaint.

681. Insys denies the allegations set forth in paragraph 681 that pertain to it. To the extent the allegations set forth in paragraph 681 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 681 of the Complaint.

682. Insys denies the allegations set forth in paragraph 682 that pertain to it. To the extent the allegations set forth in paragraph 682 of the Complaint are specific to Defendants and/or third

parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 682 of the Complaint.

683. Insys denies the allegations set forth in paragraph 683 of the Complaint.

**b. Defendants Breached Their Duties in Ohio**

684. The allegations set forth in paragraph 684 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 684 of the Complaint. The allegations set forth in paragraph 684 of the Complaint contain legal conclusions to which no response is required. To the extent that a response is required, Insys denies the allegations set forth in paragraph 684 of the Complaint. Insys avers that the source material cited in paragraph 684, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 684 requires response, Insys denies the allegations.

685. Insys denies the allegations set forth in paragraph 685 that pertain to it. To the extent the allegations set forth in paragraph 685 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 685 of the Complaint. The allegations set forth in paragraph 685 of the Complaint contain legal conclusions to which no response is required. To the extent that a response is required, Insys denies the allegations set forth in paragraph 685 of the Complaint. Insys avers that the source material cited in paragraph 685, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 685 requires response, Insys denies the allegations.

686. Insys denies the allegations set forth in paragraph 686 that pertain to it. To the extent the allegations set forth in paragraph 686 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 686 of the Complaint. The allegations set forth in paragraph 686 of the Complaint contain legal conclusions to which no response is required. To the extent that a response is required, Insys denies the allegations set forth in paragraph 686 of the Complaint. Insys avers that the source material cited in paragraph 686, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 684 requires response, Insys denies the allegations.

687. Insys denies the allegations set forth in paragraph 687 that pertain to it. To the extent the allegations set forth in paragraph 687 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 686 of the Complaint.

688. Insys denies the allegations set forth in paragraph 688 that pertain to it. To the extent the allegations set forth in paragraph 688 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 688 of the Complaint. The allegations set forth in paragraph 688 of the Complaint contain legal conclusions to which no response is required. To the extent that a response is required, Insys denies the allegations set forth in paragraph 688 of the Complaint.

689. Insys denies the allegations set forth in paragraph 689 that pertain to it. To the extent the allegations set forth in paragraph 689 of the Complaint are specific to Defendants and/or third

parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 689 of the Complaint. The allegations set forth in paragraph 689 of the Complaint contain legal conclusions to which no response is required. To the extent that a response is required, Insys denies the allegations set forth in paragraph 689 of the Complaint. Insys avers that the source material cited in paragraph 689, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 689 requires response, Insys denies the allegations.

690. The allegations set forth in paragraph 690 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 690 of the Complaint. The allegations set forth in paragraph 690 of the Complaint contain legal conclusions to which no response is required. To the extent that a response is required, Insys denies the allegations set forth in paragraph 690 of the Complaint. Insys avers that the source material cited in paragraph 690, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 691 requires response, Insys denies the allegations.

691. The allegations set forth in paragraph 691 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 691 of the Complaint. The allegations set forth in paragraph 691 of the Complaint contain legal conclusions to which no response is required. To the extent that a response is required, Insys denies the allegations set forth in paragraph 691 of the Complaint. Insys avers that the source material cited in paragraph 691, to

the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 690 requires response, Insys denies the allegations.

692. The allegations set forth in paragraph 692 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 692 of the Complaint. Insys avers that the source material cited in paragraph 692 and footnotes 182-185, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 692 requires response, Insys denies the allegations.

693. The allegations set forth in paragraph 693 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 693 of the Complaint.

694. The allegations set forth in paragraph 694 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 694 of the Complaint.

695. The allegations set forth in paragraph 695 and in footnotes 186-188 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 695 and footnotes 186-188 of the Complaint. Insys avers that the source material cited in paragraph 695 and footnotes 186-188, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or

contextualization of the source material cited in paragraph 695 and footnote 186-188 requires response, Insys denies the allegations.

696. The allegations set forth in paragraph 696 and in footnotes 189-190 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 696 and footnotes 189-190 of the Complaint. Insys avers that the source material cited in paragraph 695 and footnotes 189-190, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 696 and footnote 189-190 requires response, Insys denies the allegations.

697. Insys denies the allegations set forth in paragraph 697 that pertain to it. To the extent the allegations set forth in paragraph 697 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 697 of the Complaint. Insys avers that the source material cited in paragraph 697 and footnote 191, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 697 and footnote 191 requires response, Insys denies the allegations.

698. Insys denies the allegations set forth in paragraph 698 that pertain to it. To the extent the allegations set forth in paragraph 698 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 698 of the Complaint. Insys avers that the source material cited in paragraph 698, to the extent it exists, speaks for itself, and therefore the allegations

relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 698 requires response, Insys denies the allegations.

699. Insys denies the allegations set forth in paragraph 699 that pertain to it. To the extent the allegations set forth in paragraph 699 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 699 of the Complaint. Insys avers that the source material cited in paragraph 699 and footnote 192, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 699 and footnote 192 requires response, Insys denies the allegations.

700. Insys denies the allegations set forth in paragraph 700 and footnotes 193-195 that pertain to it. To the extent the allegations set forth in paragraph 700 and footnotes 193-195 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 700 and footnotes 193-195 of the Complaint. Insys avers that the source material cited in paragraph 700 and footnotes 193-195, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 700 and footnotes 193-195 requires response, Insys denies the allegations.

701. Insys denies the allegations set forth in paragraph 701 that pertain to it. To the extent the allegations set forth in paragraph 701 of the Complaint are specific to Defendants and/or third

parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 701 of the Complaint.

702. Insys denies the allegations set forth in paragraph 702 that pertain to it. To the extent the allegations set forth in paragraph 702 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 702 of the Complaint. Insys avers that the source material cited in footnote 196, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in footnote 196 requires response, Insys denies the allegations.

703. Paragraph 703 has been stricken and, therefore, no response is required of Insys.

704. Paragraph 704 has been stricken and, therefore, no response is required of Insys.

705. Insys denies the allegations set forth in paragraph 705 that pertain to it. To the extent the allegations set forth in paragraph 705 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 705 of the Complaint. The allegations set forth in paragraph 705 of the Complaint contain legal conclusions to which no response is required. To the extent that a response is required, Insys denies the allegations set forth in paragraph 705 of the Complaint.

706. The allegations set forth in paragraph 706 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 706 of the Complaint. Insys avers that the source material cited in paragraph 706 and footnote 197, to the



extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 706 and footnote 197 requires response, Insys denies the allegations.

707. The allegations set forth in paragraph 707 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 707 of the Complaint.

708. Insys denies the allegations set forth in paragraph 708 that pertain to it. To the extent the allegations set forth in paragraph 708 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 708 of the Complaint.

709. Insys denies the allegations set forth in paragraph 709 that pertain to it. To the extent the allegations set forth in paragraph 709 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 709 of the Complaint.

710. Insys denies the allegations set forth in paragraph 710 that pertain to it. To the extent the allegations set forth in paragraph 710 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 710 of the Complaint.

711. Paragraph 711 does not exist.

712. The allegations set forth in paragraph 712 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 712 of the

Complaint. Insys avers that the source material cited in paragraph 712 and footnotes 200-201, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 712 and footnotes 200-201 requires response, Insys denies the allegations.

713. Insys denies the allegations set forth in paragraph 713 that pertain to it. To the extent the allegations set forth in paragraph 713 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 713 of the Complaint.

**c. By Dramatically Increasing Prescription Opioid Prescribing and Use, Defendants Have Created a Public Health Crisis in Summit County**

714. Insys denies the allegations set forth in paragraph 714 that pertain to it. To the extent the allegations set forth in paragraph 714 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 714 of the Complaint.

715. Insys lacks knowledge and information sufficient to form a belief about the truth of the allegations in paragraph 715 of the Complaint and, therefore, denies them. Insys avers that the source material cited in paragraph 715 and footnote 202, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 715 and footnote 202 requires response, Insys denies the allegations.

716. Insys lacks knowledge and information sufficient to form a belief about the truth of the allegations in paragraph 716 of the Complaint and, therefore, denies them.

717. Insys lacks knowledge and information sufficient to form a belief about the truth of the allegations in paragraph 717 of the Complaint and, therefore, denies them. Insys avers that the

source material cited in paragraph 717 and footnote 203, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 717 and footnote 203 requires response, Insys denies the allegations.

718. Insys lacks knowledge and information sufficient to form a belief about the truth of the allegations in paragraph 718 of the Complaint and, therefore, denies them. Insys avers that the source material cited in paragraph 718, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 718 requires response, Insys denies the allegations.

719. Insys lacks knowledge and information sufficient to form a belief about the truth of the allegations in paragraph 719 of the Complaint and, therefore, denies them. Insys avers that the source material cited in paragraph 719 and footnote 204, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 719 and footnote 204 requires response, Insys denies the allegations.

720. Insys lacks knowledge and information sufficient to form a belief about the truth of the allegations in paragraph 720 of the Complaint and, therefore, denies them.

721. Insys lacks knowledge and information sufficient to form a belief about the truth of the allegations in paragraph 721 of the Complaint and, therefore, denies them. Insys avers that the source material cited in paragraph 721, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs'

characterization or contextualization of the source material cited in paragraph 721 requires response, Insys denies the allegations.

722. Insys lacks knowledge and information sufficient to form a belief about the truth of the allegations in paragraph 722 of the Complaint and, therefore, denies them. Insys avers that the source material cited in paragraph 722, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 722 requires response, Insys denies the allegations.

723. Insys states that allegations set forth in paragraph 723 of the Complaint reflect scientific, technical, medical, or other specialized opinions and conclusions the truth of which would more appropriately be the subject of expert testimony, and Insys therefore denies those allegations. Insys avers that the source material cited in paragraph 723, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. Insys avers that the source material cited in paragraph 723, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 723 requires response, Insys denies the allegations.

724. Insys lacks knowledge and information sufficient to form a belief about the truth of the allegations in paragraph 724 of the Complaint and, therefore, denies them.

725. Insys lacks knowledge and information sufficient to form a belief about the truth of the allegations in paragraph 725 of the Complaint and, therefore, denies them. Insys avers that the autopsy reports cited in paragraph 725, to the extent they exist, speaks for themselves, and therefore the allegations relying upon them require no answer. To the extent the accuracy of

Plaintiffs' characterization or contextualization of the autopsy reports cited in paragraph 725 requires response, Insys denies the allegations.

726. Insys lacks knowledge and information sufficient to form a belief about the truth of the allegations in paragraph 726 of the Complaint and, therefore, denies them.

727. Insys lacks knowledge and information sufficient to form a belief about the truth of the allegations in paragraph 727 of the Complaint and, therefore, denies them. Insys states that allegations set forth in paragraph 727 of the Complaint reflect scientific, technical, medical, or other specialized opinions and conclusions the truth of which would more appropriately be the subject of expert testimony, and Insys therefore denies those allegations.

728. Insys lacks knowledge and information sufficient to form a belief about the truth of the allegations in paragraph 728 of the Complaint and, therefore, denies them. Insys avers that the source material cited in paragraph 728, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 728 requires response, Insys denies the allegations.

729. Insys lacks knowledge and information sufficient to form a belief about the truth of the allegations in paragraph 729 of the Complaint and, therefore, denies them.

730. Insys lacks knowledge and information sufficient to form a belief about the truth of the allegations in paragraph 730 of the Complaint and, therefore, denies them.

731. Insys lacks knowledge and information sufficient to form a belief about the truth of the allegations in paragraph 731 of the Complaint and, therefore, denies them. Insys avers that the source material cited in paragraph 731, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs'

characterization or contextualization of the source material cited in paragraph 731 requires response, Insys denies the allegations.

732. Insys lacks knowledge and information sufficient to form a belief about the truth of the allegations in paragraph 732 of the Complaint and, therefore, denies them. Insys avers that the source material cited in paragraph 732, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 732 requires response, Insys denies the allegations.

733. Insys lacks knowledge and information sufficient to form a belief about the truth of the allegations in paragraph 733 of the Complaint and, therefore, denies them.

734. Insys lacks knowledge and information sufficient to form a belief about the truth of the allegations in paragraph 734 of the Complaint and, therefore, denies them.

735. Insys lacks knowledge and information sufficient to form a belief about the truth of the allegations in paragraph 735 of the Complaint and, therefore, denies them.

736. Insys lacks knowledge and information sufficient to form a belief about the truth of the allegations in paragraph 736 of the Complaint and, therefore, denies them. Insys avers that the source material cited in paragraph 736 and footnote 205, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 736 and footnote 205 requires response, Insys denies the allegations.

737. Insys lacks knowledge and information sufficient to form a belief about the truth of the allegations in paragraph 737 of the Complaint and, therefore, denies them. Insys avers that the source material cited in paragraph 737 and footnote 206, to the extent it exists, speaks for itself,

and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 737 and footnote 206 requires response, Insys denies the allegations.

738. Insys lacks knowledge and information sufficient to form a belief about the truth of the allegations in paragraph 738 of the Complaint and, therefore, denies them. Insys avers that the report by the Public Children's Services Association of Ohio ("PCSAO"), to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the PCSAO report cited in paragraph 738 requires response, Insys denies the allegations.

739. Insys lacks knowledge and information sufficient to form a belief about the truth of the allegations in paragraph 739 of the Complaint and, therefore, denies them.

740. Insys lacks knowledge and information sufficient to form a belief about the truth of the allegations in paragraph 740 of the Complaint and, therefore, denies them.

741. Insys lacks knowledge and information sufficient to form a belief about the truth of the allegations in paragraph 741 of the Complaint and, therefore, denies them.

742. Insys states that allegations set forth in paragraph 742 of the Complaint reflect scientific, technical, medical, or other specialized opinions and conclusions the truth of which would more appropriately be the subject of expert testimony, and Insys therefore denies those allegations. Insys avers that the source material cited in paragraph 742 and footnote 207, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 742 and footnote 207 requires response, Insys denies the allegations.

743. Insys lacks knowledge and information sufficient to form a belief about the truth of the allegations in paragraph 743 of the Complaint and, therefore, denies them.

744. Insys lacks knowledge and information sufficient to form a belief about the truth of the allegations in paragraph 744 of the Complaint and, therefore, denies them.

745. Insys lacks knowledge and information sufficient to form a belief about the truth of the allegations in paragraph 745 of the Complaint and, therefore, denies them.

**H. The Defendants Conspired To Engage In The Wrongful Conduct Complained Of Herein and Intended To Benefit Both Independently and Jointly From Their Conspiracy**

**1. Conspiracy Among Marketing Defendants**

746. Insys denies the allegations set forth in paragraph 746 of the Complaint.

747. Insys denies the allegations set forth in paragraph 747 of the Complaint.

748. Insys denies the allegations set forth in paragraph 748 of the Complaint.

749. Insys denies the allegations set forth in paragraph 749 of the Complaint.

750. Insys denies the allegations set forth in paragraph 750 that pertain to it. To the extent the allegations set forth in paragraph 750 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 750 of the Complaint.

751. Insys denies the allegations set forth in paragraph 751 of the Complaint.

752. Insys denies the allegations set forth in paragraph 752 that pertain to it. To the extent the allegations set forth in paragraph 752 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 752 of the Complaint.

753. Insys denies the allegations set forth in paragraph 753 that pertain to it. To the extent the allegations set forth in paragraph 753 of the Complaint are specific to Defendants and/or third



parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 753 of the Complaint.

754. Insys denies the allegations set forth in paragraph 754 that pertain to it. To the extent the allegations set forth in paragraph 754 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 754 of the Complaint.

755. Insys denies the allegations set forth in paragraph 755 that pertain to it. To the extent the allegations set forth in paragraph 755 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 755 of the Complaint.

756. Insys denies the allegations set forth in paragraph 756 that pertain to it. To the extent the allegations set forth in paragraph 756 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 756 of the Complaint. Insys avers that the “Porter & Jick Letter” cited in paragraph 756, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs’ characterization or contextualization of the “Porter & Jick Letter” cited in paragraph 756 requires response, Insys denies the allegations.

757. Insys denies the allegations set forth in paragraph 757 that pertain to it. To the extent the allegations set forth in paragraph 757 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 757 of the Complaint. Insys avers that the “Porter & Jick Letter” cited in paragraph 757, to the extent it exists, speaks for itself, and therefore the

allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the "Porter & Jick Letter" cited in paragraph 757 requires response, Insys denies the allegations.

758. Insys denies the allegations set forth in paragraph 758 that pertain to it. To the extent the allegations set forth in paragraph 758 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 758 of the Complaint. Insys avers that the source material cited in paragraph 758, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 758 requires response, Insys denies the allegations.

759. Insys denies the allegations set forth in paragraph 759 of the Complaint.

## **2. Conspiracy Among All Defendants**

760. Insys denies the allegations set forth in paragraph 760 of the Complaint.

761. Insys denies the allegations set forth in paragraph 761 of the Complaint.

762. Insys denies the allegations set forth in paragraph 762 of the Complaint.

763. Insys denies the allegations set forth in paragraph 763 of the Complaint.

764. Insys denies the allegations set forth in paragraph 764 that pertain to it. To the extent the allegations set forth in paragraph 764 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 764 of the Complaint.

765. Insys denies the allegations set forth in paragraph 765 of the Complaint.

766. Insys denies the allegations set forth in paragraph 766 of the Complaint.

**I. Statutes Of Limitations Are Tolloed and Defendants Are Estopped From Asserting Statutes Of Limitations As Defenses**

**1. Continuing Conduct**

767. Insys denies the allegations set forth in paragraph 767 of the Complaint.

768. Insys denies the allegations set forth in paragraph 768 of the Complaint.

**2. Equitable Estoppel and Fraudulent Concealment**

769. Insys denies the allegations set forth in paragraph 769 of the Complaint. To the extent the allegations set forth in paragraph 769 of the Complaint contain legal conclusions, no response is required. To the extent that a response is required, Insys denies the allegations set forth in paragraph 769 of the Complaint.

770. Insys denies the allegations set forth in paragraph 770 of the Complaint.

771. Insys denies the allegations set forth in paragraph 771 that pertain to it. To the extent the allegations set forth in paragraph 771 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 771 of the Complaint.

772. Insys denies the allegations set forth in paragraph 772 that pertain to it. To the extent the allegations set forth in paragraph 772 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 772 of the Complaint.

773. Insys denies the allegations set forth in paragraph 773 of the Complaint.

774. Insys denies the allegations set forth in paragraph 774 of the Complaint.

775. Insys denies the allegations set forth in paragraph 775 of the Complaint. Insys states that the allegations set forth in paragraph 775 constitute improper argument to which no response

is required. To the extent a response is required, Insys denies the allegations set forth in paragraph 775 of the Complaint.

776. Insys denies the allegations set forth in paragraph 776 that pertain to it. To the extent the allegations set forth in paragraph 776 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 776 of the Complaint.

777. Insys denies the allegations set forth in paragraph 777 that pertain to it. To the extent the allegations set forth in paragraph 777 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 777 of the Complaint.

**J. Facts Pertaining to Punitive Damages**

778. Insys denies the allegations set forth in paragraph 778 that pertain to it. To the extent the allegations set forth in paragraph 778 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 778 of the Complaint.

779. Insys denies the allegations set forth in paragraph 779.

780. Insys denies the allegations set forth in paragraph 780 that pertain to it. To the extent the allegations set forth in paragraph 780 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 780 of the Complaint.

781. Insys denies the allegations set forth in paragraph 781 that pertain to it. To the extent the allegations set forth in paragraph 781 of the Complaint are specific to Defendants and/or third

parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 781 of the Complaint.

**1. The Marketing Defendants Persisted in Their Fraudulent Scheme Despite Repeated Admonitions, Warnings, and Even Prosecutions**

782. Insys denies the allegations set forth in paragraph 782 that pertain to it. To the extent the allegations set forth in paragraph 782 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 782 of the Complaint.

**a. FDA Warnings to Janssen Failed to Deter Janssen's Misleading Promotion of Duragesic**

783. The allegations set forth in paragraph 783 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 783 of the Complaint.

784. The allegations set forth in paragraph 784 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 784 of the Complaint.

785. The allegations set forth in paragraph 785 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 785 of the Complaint.

**b. Governmental Action, Including Large Monetary Fines, Failed to Stop Cephalon from Falsely Marketing Actiq for Off-Label Uses**

786. The allegations set forth in paragraph 786 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 786 of the Complaint.

787. The allegations set forth in paragraph 787 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 787 of the Complaint.

**c. FDA Warnings Did Not Prevent Cephalon from Continuing False and Off-Label Marketing of Fentora**

788. The allegations set forth in paragraph 788 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 788 of the Complaint.

789. The allegations set forth in paragraph 789 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 789 of the Complaint.

790. The allegations set forth in paragraph 790 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 790 of the Complaint.

**d. A Guilty Plea and a Large Fine Did Not Deter Purdue from Continuing Its Fraudulent Marketing of OxyContin**

791. The allegations set forth in paragraph 791 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 791 of the Complaint.

792. The allegations set forth in paragraph 792 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 792 of the Complaint.

**2. Repeated Admonishments and Fines Did Not Stop Defendants from Ignoring Their Obligations to Control the Supply Chain and Prevent Diversion**

793. Insys denies the allegations set forth in paragraph 793 that pertain to it. To the extent the allegations set forth in paragraph 793 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 793 of the Complaint.

794. Insys states that the *60 Minutes* interview cited in paragraph 794, if it exists, speaks for itself, and therefore the allegations quoting it and relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the interview cited in paragraph 794 requires response, Insys denies the allegations. To the extent that paragraph 794 purports to set forth as allegations of fact the content of the quoted portions of the interview, Insys denies such allegations.

795. Insys lacks knowledge and information sufficient to form a belief about the truth of the allegations in paragraph 743 of the Complaint and, therefore denies those allegations. To the

extent that paragraph 795 purports to set forth as allegations of fact the content of the quoted portions of the alleged DEA agent's remarks, Insys denies such allegations.

796. The allegations set forth in paragraph 796 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 796 of the Complaint.

797. The allegations set forth in paragraph 797 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 797 of the Complaint.

798. The allegations set forth in paragraph 798 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 798 of the Complaint.

799. The allegations set forth in paragraph 799 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 799 of the Complaint.

800. The allegations set forth in paragraph 800 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 800 of the Complaint.



801. The allegations set forth in paragraph 801 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 801 of the Complaint. Insys avers that the source material cited in paragraph 801 and footnote 208, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 801 and footnote 208 requires response, Insys denies the allegations.

802. The allegations set forth in paragraph 802 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 802 of the Complaint.

803. The allegations set forth in paragraph 803 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 803 of the Complaint.

804. The allegations set forth in paragraph 804 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 804 of the Complaint.

805. Paragraph 805 has been stricken and, therefore, no response is required of Insys.

806. Paragraph 806 has been stricken and, therefore, no response is required of Insys.

807. Paragraph 807 has been stricken and, therefore, no response is required of Insys.

808. The allegations set forth in paragraph 808 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 808 of the Complaint.

809. The allegations set forth in paragraph 809 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 809 of the Complaint.

810. The allegations set forth in paragraph 810 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 810 of the Complaint.

811. The allegations set forth in paragraph 811 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 811 of the Complaint.

812. The allegations set forth in paragraph 812 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 812 of the Complaint.

813. Insys denies the allegations set forth in paragraph 813 that pertain to it. To the extent the allegations set forth in paragraph 813 of the Complaint are specific to Defendants and/or third

parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 813 of the Complaint.

**II. FACTS PERTAINING TO CLAIMS UNDER RACKETEER-INFLUENCED AND CORRUPT ORGANIZATIONS (“RICO”) ACT**

**A. The Opioid Marketing Enterprise**

**1. The Common Purpose and Scheme of the Opioid Marketing Enterprise**

814. The allegations set forth in paragraph 814 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 814 of the Complaint.

815. The allegations set forth in paragraph 815 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 815 of the Complaint.

816. The allegations set forth in paragraph 816 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 816 of the Complaint.

817. The allegations set forth in paragraph 817 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 817 of the Complaint.

818. The allegations set forth in paragraph 818 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys;

to the extent an answer is required, Insys denies the allegations set forth in paragraph 818 of the Complaint.

819. The allegations set forth in paragraph 819 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 819 of the Complaint.

820. The allegations set forth in paragraph 820 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 820 of the Complaint.

821. The allegations set forth in paragraph 821 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 821 of the Complaint.

822. The allegations set forth in paragraph 822 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 822 of the Complaint.

823. The allegations set forth in paragraph 823 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 823 of the Complaint.

824. The allegations set forth in paragraph 824 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 824 of the Complaint.

825. The allegations set forth in paragraph 825 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 825 of the Complaint.

826. The allegations set forth in paragraph 826 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 826 of the Complaint.

827. The allegations set forth in paragraph 827 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 827 of the Complaint.

828. The allegations set forth in paragraph 828 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 828 of the Complaint.

## **2. The Conduct of the Opioid Marketing Enterprise violated Civil RICO**

829. The allegations set forth in paragraph 829 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys;

to the extent an answer is required, Insys denies the allegations set forth in paragraph 829 of the Complaint.

830. The allegations set forth in paragraph 830 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 830 of the Complaint.

831. The allegations set forth in paragraph 831 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 831 of the Complaint.

832. The allegations set forth in paragraph 832 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 832 of the Complaint. Insys avers that the source material cited in paragraph 832 and footnote 211, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 832 and footnote 211 requires response, Insys denies the allegations.

833. The allegations set forth in paragraph 833 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 833 of the Complaint.

834. The allegations set forth in paragraph 834 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys;

to the extent an answer is required, Insys denies the allegations set forth in paragraph 834 of the Complaint.

**3. The RICO Marketing Defendants Controlled and Paid Front Groups and KOLs to Promote and Maximize Opioid Use**

835. The allegations set forth in paragraph 835 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 835 of the Complaint.

836. The allegations set forth in paragraph 836 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 836 of the Complaint.

837. The allegations set forth in paragraph 837 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 837 of the Complaint.

**4. Pattern of Racketeering Activity**

838. The allegations set forth in paragraph 838 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 838 of the Complaint.

839. The allegations set forth in paragraph 839 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys;

to the extent an answer is required, Insys denies the allegations set forth in paragraph 839 of the Complaint.

840. The allegations set forth in paragraph 840 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 840 of the Complaint.

841. The allegations set forth in paragraph 841 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 841 of the Complaint.

842. The allegations set forth in paragraph 842 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 842 of the Complaint.

843. The allegations set forth in paragraph 843 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 843 of the Complaint.

844. The allegations set forth in paragraph 844 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 844 of the Complaint.



845. The allegations set forth in paragraph 845 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 845 of the Complaint.

846. The allegations set forth in paragraph 846 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 846 of the Complaint.

847. The allegations set forth in paragraph 847 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 847 of the Complaint.

848. The allegations set forth in paragraph 848 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 848 of the Complaint.

**B. The Opioid Supply Chain Enterprise**

849. The allegations set forth in paragraph 849 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 849 of the Complaint. Insys avers that the source material cited in paragraph 849 and footnote 212, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer.

To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 849 and footnote 212 requires response, Insys denies the allegations.

850. Insys denies the allegations set forth in paragraph 850 that pertain to Insys. To the extent that the allegations set forth in paragraph 850 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 850 of the Complaint. To the extent that the allegations set forth in paragraph 850 of the Complaint contain legal conclusions or argument, no response is required. To the extent that a response is required, Insys denies the allegations set forth in paragraph 850 of the Complaint.

851. The allegations set forth in paragraph 851 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 851 of the Complaint. Insys avers that the source material cited in paragraph 851 and footnote 213, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 851 and footnote 213 requires response, Insys denies the allegations.

852. The allegations set forth in paragraph 852 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 852 of the Complaint.

853. The allegations set forth in paragraph 853 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys;

to the extent an answer is required, Insys denies the allegations set forth in paragraph 853 of the Complaint.

854. The allegations set forth in paragraph 854 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 854 of the Complaint.

855. The allegations set forth in paragraph 855 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 855 of the Complaint.

856. The allegations set forth in paragraph 856 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 856 of the Complaint.

857. Insys denies the allegations set forth in paragraph 857 that pertain to Insys. To the extent that the allegations set forth in paragraph 857 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 857 of the Complaint. Insys avers that the source material cited in paragraph 857 and footnote 214, to the extent it exists, speaks for itself, and therefore the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the source material cited in paragraph 857 and footnote 214 requires response, Insys denies the allegations.

858. The allegations set forth in paragraph 858 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 858 of the Complaint.

859. Insys denies the allegations set forth in paragraph 859 that pertain to Insys. To the extent that the allegations set forth in paragraph 859 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 859 of the Complaint.

860. The allegations set forth in paragraph 860 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 860 of the Complaint.

861. The allegations set forth in paragraph 861 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 861 of the Complaint.

862. The allegations set forth in paragraph 862 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 862 of the Complaint.

863. Insys denies the allegations set forth in paragraph 863 that pertain to Insys. To the extent that the allegations set forth in paragraph 863 of the Complaint are specific to Defendants

and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 863 of the Complaint.

864. The allegations set forth in paragraph 864 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 864 of the Complaint.

865. The allegations set forth in paragraph 865 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 865 of the Complaint.

866. The allegations set forth in paragraph 866 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 866 of the Complaint.

867. The allegations set forth in paragraph 867 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 867 of the Complaint.

868. The allegations set forth in paragraph 868 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 868 of the Complaint.

869. The allegations set forth in paragraph 869 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 869 of the Complaint.

870. The allegations set forth in paragraph 870 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 870 of the Complaint.

871. The allegations set forth in paragraph 871 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 871 of the Complaint.

872. The allegations set forth in paragraph 872 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 872 of the Complaint.

873. The allegations set forth in paragraph 873 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 873 of the Complaint.

874. The allegations set forth in paragraph 874 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys;

to the extent an answer is required, Insys denies the allegations set forth in paragraph 874 of the Complaint.

875. The allegations set forth in paragraph 875 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 875 of the Complaint.

876. The allegations set forth in paragraph 876 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 876 of the Complaint.

877. The allegations set forth in paragraph 877 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 877 of the Complaint.

### **CLAIMS FOR RELIEF**

#### **FIRST CLAIM FOR RELIEF**

##### **Violation of RICO, 18 U.S.C. § 1961 et seq.—Opioid Marketing Enterprise (Against Purdue, Cephalon, Janssen, Endo, and Mallinckrodt (the “RICO Marketing Defendants”))**

878. Paragraph 878 contains no factual allegations and requires no response. To the extent a response is required, Insys denies the allegations in paragraph 878.

879. The allegations set forth in paragraph 879 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 879 of the Complaint.

880. The allegations set forth in paragraph 880 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 880 of the Complaint.

881. The allegations set forth in paragraph 881 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 881 of the Complaint.

882. The allegations set forth in paragraph 882 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 882 of the Complaint.

883. The allegations set forth in paragraph 883 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 883 of the Complaint.

884. The allegations set forth in paragraph 884 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 884 of the Complaint.

885. The allegations set forth in paragraph 885 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys;



to the extent an answer is required, Insys denies the allegations set forth in paragraph 885 of the Complaint.

886. The allegations set forth in paragraph 886 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 886 of the Complaint.

887. The allegations set forth in paragraph 887 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 887 of the Complaint.

888. The allegations set forth in paragraph 888 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 888 of the Complaint.

889. The allegations set forth in paragraph 889 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 889 of the Complaint.

890. The allegations set forth in paragraph 890 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 890 of the Complaint.

891. The allegations set forth in paragraph 891 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 891 of the Complaint.

892. The allegations set forth in paragraph 892 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 892 of the Complaint.

893. The allegations set forth in paragraph 893 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 893 of the Complaint.

894. The allegations set forth in paragraph 894 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 894 of the Complaint.

895. The allegations set forth in paragraph 895 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 895 of the Complaint.

896. The allegations set forth in paragraph 896 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys;

to the extent an answer is required, Insys denies the allegations set forth in paragraph 896 of the Complaint.

897. The allegations set forth in paragraph 897 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 897 of the Complaint.

898. The allegations set forth in paragraph 898 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 898 of the Complaint.

899. The allegations set forth in paragraph 899 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 899 of the Complaint.

900. The allegations set forth in paragraph 900 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 900 of the Complaint.

901. The allegations set forth in paragraph 901 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 901 of the Complaint.

902. The allegations set forth in paragraph 902 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 902 of the Complaint.

903. The allegations set forth in paragraph 903 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 903 of the Complaint.

904. Insys denies the allegations set forth in paragraph 904.

905. Insys denies the allegations set forth in paragraph 905 that pertain to it and deny that Plaintiffs are entitled to relief. To the extent that the allegations set forth in paragraph 905 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 905 of the Complaint.

## **SECOND CLAIM FOR RELIEF**

### **Violation of RICO, 18 U.S.C. § 1961 *et seq.*—Opioid Supply Chain Enterprise (Against Defendants Purdue, Cephalon, Endo, Mallinckrodt, Actavis, McKesson, Cardinal, and AmerisourceBergen—"RICO Supply Chain Defendants")**

906. Paragraph 906 contains no factual allegations and requires no response. To the extent a response is required, Insys denies the allegations in paragraph 906.

907. The allegations set forth in paragraph 907 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 907 of the Complaint.

908. The allegations set forth in paragraph 908 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 908 of the Complaint.

909. The allegations set forth in paragraph 909 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 909 of the Complaint.

910. The allegations set forth in paragraph 910 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 910 of the Complaint.

911. The allegations set forth in paragraph 911 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 911 of the Complaint.

912. The allegations set forth in paragraph 912 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 912 of the Complaint.

913. The allegations set forth in paragraph 913 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys;

to the extent an answer is required, Insys denies the allegations set forth in paragraph 913 of the Complaint.

914. The allegations set forth in paragraph 914 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 914 of the Complaint.

915. The allegations set forth in paragraph 915 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 915 of the Complaint.

916. The allegations set forth in paragraph 916 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 916 of the Complaint.

917. The allegations set forth in paragraph 917 of the Complaint contain legal conclusions to which no response is required. To the extent that a response is required, Insys denies the allegations set forth in paragraph 917 of the Complaint.

918. The allegations set forth in paragraph 918 of the Complaint contain legal conclusions to which no response is required. To the extent that a response is required, Insys denies the allegations set forth in paragraph 918 of the Complaint.

919. The allegations set forth in paragraph 919 of the Complaint contain legal conclusions to which no response is required. To the extent that a response is required, Insys denies the allegations set forth in paragraph 919 of the Complaint.

920. The allegations set forth in paragraph 920 of the Complaint contain legal conclusions to which no response is required. To the extent that a response is required, Insys denies the allegations set forth in paragraph 920 of the Complaint.

921. The allegations set forth in paragraph 921 of the Complaint contain legal conclusions to which no response is required. To the extent that a response is required, Insys denies the allegations set forth in paragraph 921 of the Complaint.

922. Insys denies the allegations set forth in paragraph 922 that pertain to it. To the extent that the allegations set forth in paragraph 922 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 922 of the Complaint.

923. The allegations set forth in paragraph 923 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 923 of the Complaint.

924. The allegations set forth in paragraph 924 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 924 of the Complaint.

925. The allegations set forth in paragraph 925 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 925 of the Complaint.

926. The allegations set forth in paragraph 926 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 926 of the Complaint.

927. The allegations set forth in paragraph 927 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 927 of the Complaint.

928. Insys denies the allegations set forth in paragraph 928 that pertain to it. To the extent that the allegations set forth in paragraph 928 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 928 of the Complaint.

929. The allegations set forth in paragraph 929 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 929 of the Complaint.

930. The allegations set forth in paragraph 930 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 930 of the Complaint.

931. The allegations set forth in paragraph 931 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys;



to the extent an answer is required, Insys denies the allegations set forth in paragraph 931 of the Complaint.

932. The allegations set forth in paragraph 932 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 932 of the Complaint.

933. The allegations set forth in paragraph 933 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 933 of the Complaint.

934. Insys denies the allegations set forth in paragraph 934.

935. Insys denies the allegations set forth in paragraph 935.

936. The allegations set forth in paragraph 936 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 936 of the Complaint and denies that Plaintiffs are entitled to relief.

937. Insys denies the allegations set forth in paragraph 937.

938. The allegations set forth in paragraph 938 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 938 of the Complaint.

### **THIRD CLAIM FOR RELIEF**

#### **Violation Of The Ohio Corrupt Practices Act Ohio Revised Code §§ 2923.31, *et seq.* (Against Purdue, Cephalon, Janssen, Endo, and Mallinckrodt (the “Opioid Marketing Enterprise”))**

939. Paragraph 939 contains no factual allegations and requires no response. To the extent a response is required, Insys denies the allegations in paragraph 939.

940. The allegations set forth in paragraph 940 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 940 of the Complaint and denies that Plaintiffs are entitled to relief.

#### **A. The Opioid Marketing Enterprise and Pattern of Corrupt Activity**

941. The allegations set forth in paragraph 941 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 941 of the Complaint.

942. The allegations set forth in paragraph 942 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 942 of the Complaint.

943. The allegations set forth in paragraph 943 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 943 of the Complaint.

944. The allegations set forth in paragraph 944 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys;

to the extent an answer is required, Insys denies the allegations set forth in paragraph 944 of the Complaint.

945. The allegations set forth in paragraph 945 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 945 of the Complaint.

**B. Injury Caused and Relief Sought**

946. The allegations set forth in paragraph 946 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 946 of the Complaint.

947. The allegations set forth in paragraph 947 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 947 of the Complaint.

948. The allegations set forth in paragraph 948 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 948 of the Complaint.

949. The allegations set forth in paragraph 949 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 949 of the Complaint.

#### **FOURTH CLAIM FOR RELIEF**

**Violation Of The Ohio Corrupt Practices Act Ohio Revised Code §§ 2923.31, *et seq.*  
Against Defendants Purdue, Cephalon, Endo, Mallinckrodt, Actavis, McKesson, Cardinal,  
and AmerisourceBergen) (The “Opioid Supply Chain Enterprise”)**

950. Paragraph 950 contains no factual allegations and requires no response. To the extent a response is required, Insys denies the allegations in paragraph 950.

951. The allegations set forth in paragraph 951 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 951 of the Complaint.

**A. The Opioid Supply Chain Enterprise and Pattern of Corrupt Activity**

952. The allegations set forth in paragraph 952 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 952 of the Complaint.

953. The allegations set forth in paragraph 953 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 953 of the Complaint.

954. The allegations set forth in paragraph 954 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 954 of the Complaint.

955. The allegations set forth in paragraph 955 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys;

to the extent an answer is required, Insys denies the allegations set forth in paragraph 955 of the Complaint.

956. The allegations set forth in paragraph 956 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 956 of the Complaint.

957. The allegations set forth in paragraph 957 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 957 of the Complaint.

958. The allegations set forth in paragraph 958 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 958 of the Complaint.

959. The allegations set forth in paragraph 959 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 959 of the Complaint.

960. The allegations set forth in paragraph 960 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 960 of the Complaint.

961. The allegations set forth in paragraph 961 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 961 of the Complaint.

962. The allegations set forth in paragraph 962 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 962 of the Complaint.

963. The allegations set forth in paragraph 963 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 963 of the Complaint.

964. The allegations set forth in paragraph 964 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 964 of the Complaint.

965. The allegations set forth in paragraph 965 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 965 of the Complaint.

966. The allegations set forth in paragraph 96 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys;

to the extent an answer is required, Insys denies the allegations set forth in paragraph 966 of the Complaint.

967. The allegations set forth in paragraph 967 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 967 of the Complaint.

968. The allegations set forth in paragraph 968 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 968 of the Complaint.

**B. Impact of The Opioid Supply Chain Enterprise**

969. Insys denies the allegations set forth in paragraph 969 that pertain to it. To the extent that the allegations set forth in paragraph 969 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 969 of the Complaint.

**C. Injury Caused and Relief Sought**

970. The allegations set forth in paragraph 970 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 970 of the Complaint.

971. The allegations set forth in paragraph 971 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys;

to the extent an answer is required, Insys denies the allegations set forth in paragraph 971 of the Complaint and denies that plaintiffs are entitled to relief.

972. The allegations set forth in paragraph 972 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 972 of the Complaint and denies that plaintiffs are entitled to relief.

973. The allegations set forth in paragraph 973 of the Complaint are specific to Defendants and/or third parties unrelated to Insys and, therefore, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 973 of the Complaint and denies that plaintiffs are entitled to relief.

#### **FIFTH CLAIM FOR RELIEF**

##### **Statutory Public Nuisance (Against All Defendants)**

974. Paragraph 974 contains no factual allegations and requires no response. To the extent a response is required, Insys denies the allegations in paragraph 974.

975. The allegations set forth in paragraph 975 of the Complaint contain legal conclusions to which no response is required. To the extent that a response is required, Insys denies the allegations set forth in paragraph 975 of the Complaint.

976. The allegations set forth in paragraph 976 of the Complaint contain legal conclusions to which no response is required. To the extent that a response is required, Insys denies the allegations set forth in paragraph 976 of the Complaint.

977. The allegations set forth in paragraph 977 of the Complaint contain legal conclusions to which no response is required. To the extent that a response is required, Insys denies the allegations set forth in paragraph 977 of the Complaint.



978. The allegations set forth in paragraph 978 of the Complaint contain legal conclusions to which no response is required. To the extent that a response is required, Insys states that the cited statute speaks for itself and, therefore, the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the statute cited in paragraph 978 requires response, Insys denies the allegations.

979. The allegations set forth in paragraph 979 of the Complaint contain legal conclusions to which no response is required. To the extent that a response is required, Insys states that the cited statute speaks for itself and, therefore, the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the statute cited in paragraph 979 requires response, Insys denies the allegations.

980. The allegations set forth in paragraph 980 of the Complaint contain legal conclusions to which no response is required. To the extent that a response is required, Insys states that the cited statute speaks for itself and, therefore, the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the statute cited in paragraph 980 requires response, Insys denies the allegations.

981. The allegations set forth in paragraph 981 of the Complaint contain legal conclusions to which no response is required. To the extent that a response is required, Insys states that the cited statute speaks for itself and, therefore, the allegations relying upon it require no answer. To the extent the accuracy of Plaintiffs' characterization or contextualization of the statute cited in paragraph 981 requires response, Insys denies the allegations.

982. The allegations set forth in paragraph 982 of the Complaint contain legal conclusions to which no response is required. To the extent that a response is required, Insys denies the allegations set forth in paragraph 982 of the Complaint.

983. The allegations set forth in paragraph 983 of the Complaint contain legal conclusions to which no response is required. To the extent that a response is required, Insys denies the allegations set forth in paragraph 983 of the Complaint.

984. Insys denies the allegations set forth in paragraph 984.

985. Insys denies the allegations set forth in paragraph 985.

986. Insys denies the allegations set forth in paragraph 986.

987. Insys denies the allegations set forth in paragraph 987.

988. Insys denies the allegations set forth in paragraph 988.

989. Insys denies the allegations set forth in paragraph 989.

990. Insys denies the allegations set forth in paragraph 990.

991. Insys denies the allegations set forth in paragraph 991.

992. Insys denies the allegations set forth in paragraph 992.

993. Insys denies the allegations set forth in paragraph 993.

994. Insys denies the allegations set forth in paragraph 994.

995. Insys denies the allegations set forth in paragraph 995 and denies that Plaintiffs are entitled to relief.

996. Insys denies the allegations set forth in paragraph 996 and denies that Plaintiffs are entitled to relief.

## **SIXTH CLAIM FOR RELIEF**

### **Common Law Absolute Public Nuisance (Against All Defendants)**

997. Paragraph 997 contains no factual allegations and requires no response. To the extent a response is required, Insys denies the allegations in paragraph 997.

998. Insys denies the allegations set forth in paragraph 998.

999. The allegations set forth in paragraph 999 of the Complaint contain legal conclusions to which no response is required. To the extent that a response is required, Insys denies the allegations set forth in paragraph 999 of the Complaint.

1000. Insys denies the allegations set forth in paragraph 1000.

1001. Insys denies the allegations set forth in paragraph 1001.

1002. Insys denies the allegations set forth in paragraph 1002.

1003. Insys denies the allegations set forth in paragraph 1003.

1004. Insys denies the allegations set forth in paragraph 1004.

1005. Insys denies the allegations set forth in paragraph 1005.

1006. Insys denies the allegations set forth in paragraph 1006.

1007. Insys denies the allegations set forth in paragraph 1007.

1008. Insys denies the allegations set forth in paragraph 1008.

1009. Insys denies the allegations set forth in paragraph 1009.

1010. Insys denies the allegations set forth in paragraph 1010.

1011. Insys denies the allegations set forth in paragraph 1011.

1012. Insys denies the allegations set forth in paragraph 1012.

1013. Insys denies the allegations set forth in paragraph 1013.

1014. Insys denies the allegations set forth in paragraph 1014.

1015. Insys denies the allegations set forth in paragraph 1015.

1016. Insys denies the allegations set forth in paragraph 1016.

1017. Insys admits only that it manufactures SUBSYS® and that the FDA-approved drug label for SUBSYS® specifies the risks associated with the medication, and denies the remaining allegations set forth in paragraph 1017.

1018. Insys denies the allegations set forth in paragraph 1018 that pertain to it. To the extent that the allegations set forth in paragraph 1018 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 1018 of the Complaint. Insys states that allegations set forth in paragraph 1018 of the Complaint reflect scientific, technical, medical, or other specialized opinions and conclusions the truth of which would more appropriately be the subject of expert testimony, and Insys therefore denies those allegations.

1019. Insys denies the allegations set forth in paragraph 1019 that pertain to it. To the extent that the allegations set forth in paragraph 1019 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 1019 of the Complaint.

1020. Insys denies the allegations set forth in paragraph 1020.

1021. Insys denies the allegations set forth in paragraph 1021.

1022. Insys denies the allegations set forth in paragraph 1022.

1023. Insys denies the allegations set forth in paragraph 1023.

1024. Insys denies the allegations set forth in paragraph 1024.

1025. Insys denies the allegations set forth in paragraph 1025.

1026. Insys denies the allegations set forth in paragraph 1026.

1027. Insys denies the allegations set forth in paragraph 1027.

1028. Insys denies the allegations set forth in paragraph 1028.

1029. Insys denies the allegations set forth in paragraph 1029 and denies Plaintiffs are entitled to relief.

1030. Insys denies the allegations set forth in paragraph 1030 and denies Plaintiffs are entitled to relief.

1031. Insys denies the allegations set forth in paragraph 1031 and denies Plaintiffs are entitled to relief.

1032. Insys denies the allegations set forth in paragraph 1032.

1033. Insys denies the allegations set forth in paragraph 1033.

1034. Insys denies the allegations set forth in paragraph 1034.

1035. Insys denies the allegations set forth in paragraph 1035.

1036. Insys denies the allegations set forth in paragraph 1036.

1037. Insys denies the allegations set forth in paragraph 1037.

1038. Insys denies the allegations set forth in paragraph 1038 and deny Plaintiffs are entitled to relief.

## **SEVENTH CLAIM FOR RELIEF**

### **Negligence (Against All Defendants)**

1039. Paragraph 1039 contains no factual allegations and requires no response. To the extent a response is required, Insys denies the allegations in paragraph 1039.

1040. The allegations set forth in paragraph 1040 of the Complaint contain legal conclusions to which no response is required. To the extent that a response is required, Insys denies the allegations set forth in paragraph 1040.

1041. The allegations set forth in paragraph 1041 of the Complaint contain legal conclusions to which no response is required. To the extent that a response is required, Insys denies the allegations set forth in paragraph 1041.

1042. The allegations set forth in paragraph 1042 of the Complaint contain legal conclusions to which no response is required. To the extent that a response is required, Insys denies the allegations set forth in paragraph 1042.

1043. The allegations set forth in paragraph 1043 of the Complaint contain legal conclusions to which no response is required. To the extent that a response is required, Insys denies the allegations set forth in paragraph 1043.

1044. Insys denies the allegations set forth in paragraph 1044 that pertain to Insys. To the extent that the allegations set forth in paragraph 1044 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 1044 of the Complaint.

1045. Insys denies the allegations set forth in paragraph 1045 that pertain to Insys. To the extent that the allegations set forth in paragraph 1045 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 1045 of the Complaint.

1046. Insys denies the allegations set forth in paragraph 1046 that pertain to Insys. To the extent that the allegations set forth in paragraph 1046 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 1046 of the Complaint.

1047. The allegations set forth in paragraph 1047 of the Complaint contain legal conclusions to which no response is required. To the extent that a response is required, Insys denies the allegations set forth in paragraph 1047.

1048. Insys denies the allegations set forth in paragraph 1048 that pertain to Insys. To the extent that the allegations set forth in paragraph 1048 of the Complaint are specific to Defendants

and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 1048 of the Complaint.

1049. Insys denies the allegations set forth in paragraph 1049 that pertain to Insys. To the extent that the allegations set forth in paragraph 1049 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 1049 of the Complaint.

1050. Insys denies the allegations set forth in paragraph 1050 that pertain to Insys. To the extent that the allegations set forth in paragraph 1050 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 1050 of the Complaint.

1051. Insys denies the allegations set forth in paragraph 1051.

1052. Insys denies the allegations set forth in paragraph 1052.

1053. Insys denies the allegations set forth in paragraph 1053 that pertain to Insys. To the extent that the allegations set forth in paragraph 1053 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 1053 of the Complaint.

1054. Insys denies the allegations set forth in paragraph 1054 that pertain to Insys. To the extent that the allegations set forth in paragraph 1054 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 1054 of the Complaint.

1055. Insys denies the allegations set forth in paragraph 1055 that pertain to Insys. To the extent that the allegations set forth in paragraph 1055 of the Complaint are specific to Defendants

and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 1055 of the Complaint.

1056. Insys admits only that it manufactures SUBSYS® and that the FDA-approved drug label for SUBSYS® specifies the risks associated with the medication, and denies the remaining allegations set forth in paragraph 1056. To the extent that the allegations set forth in paragraph 1056 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 1056 of the Complaint.

1057. Insys denies the allegations set forth in paragraph 1057 that pertain to it. To the extent that the allegations set forth in paragraph 1057 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 1057 of the Complaint. Insys states that allegations set forth in paragraph 1057 of the Complaint reflect scientific, technical, medical, or other specialized opinions and conclusions the truth of which would more appropriately be the subject of expert testimony, and Insys therefore denies those allegations.

1058. Insys denies the allegations set forth in paragraph 1058.

1059. Insys denies the allegations set forth in paragraph 1059.

1060. Insys denies the allegations set forth in paragraph 1060.

1061. Insys denies the allegations set forth in paragraph 1061.

1062. Insys denies the allegations set forth in paragraph 1062.

1063. Insys denies the allegations set forth in paragraph 1063.

1064. Insys denies the allegations set forth in paragraph 1064.

1065. Insys denies the allegations set forth in paragraph 1065.



1066. Insys denies the allegations set forth in paragraph 1066.

1067. Insys denies the allegations set forth in paragraph 1067 and denies Plaintiffs are entitled to relief.

1068. Insys denies the allegations set forth in paragraph 1068 and denies Plaintiffs are entitled to relief.

1069. Insys denies the allegations set forth in paragraph 1069.

1070. Insys denies the allegations set forth in paragraph 1070.

1071. Insys denies the allegations set forth in paragraph 1071 and denies Plaintiffs are entitled to relief.

## **EIGHTH CLAIM FOR RELIEF**

### **Common Law Fraud (Against the Marketing Defendants)**

1072. Paragraph 1072 contains no factual allegations and requires no response. To the extent a response is required, Insys denies the allegations in paragraph 1072.

1073. Insys denies the allegations set forth in paragraph 1073.

1074. Insys denies the allegations set forth in paragraph 1074 that pertain to it. To the extent that the allegations set forth in paragraph 1074 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 1074 of the Complaint.

1075. Insys denies the allegations set forth in paragraph 1075 that pertain to it. To the extent that the allegations set forth in paragraph 1075 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 1075 of the Complaint.

1076. Insys denies the allegations set forth in paragraph 1076 that pertain to it. To the extent that the allegations set forth in paragraph 1076 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 1076 of the Complaint.

1077. Insys denies the allegations set forth in paragraph 1077.

1078. Insys denies the allegations set forth in paragraph 1078 that pertain to it. To the extent that the allegations set forth in paragraph 1078 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 1078. of the Complaint.

1079. Insys denies the allegations set forth in paragraph 1079 that pertain to it. To the extent that the allegations set forth in paragraph 1079 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 1079 of the Complaint.

1080. Insys denies the allegations set forth in paragraph 1080.

1081. Insys denies the allegations set forth in paragraph 1081.

1082. Insys denies the allegations set forth in paragraph 1082.

1083. Insys denies the allegations set forth in paragraph 1083.

1084. Insys denies the allegations set forth in paragraph 1084.

1085. Insys denies the allegations set forth in paragraph 1085.

1086. Insys denies the allegations set forth in paragraph 1086 and denies that Plaintiffs are entitled to relief.

1087. Insys denies the allegations set forth in paragraph 1087.

1088. Insys denies the allegations set forth in paragraph 1088.

1089. Insys denies the allegations set forth in paragraph 1089 and denies that Plaintiffs are entitled to relief.

### **NINTH CLAIM FOR RELIEF**

#### **Injury Through Criminal Acts (R.C. 2307.60) (Against All Defendants)**

1090. Paragraph 1090 contains no factual allegations and requires no response. To the extent a response is required, Insys denies the allegations in paragraph 1090.

1091. The allegations set forth in paragraph 1091 of the Complaint contain legal conclusions to which no response is required. To the extent that a response is required, Insys denies the allegations set forth in paragraph 1091 of the Complaint.

1092. Insys denies the allegations set forth in paragraph 1092 that pertain to it. To the extent that the allegations set forth in paragraph 1092 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 1092 of the Complaint. The allegations set forth in paragraph 1092 of the Complaint contain legal conclusions to which no response is required. To the extent that a response is required, Insys denies the allegations set forth in paragraph 1092 of the Complaint.

1093. Insys denies the allegations set forth in paragraph 1093 that pertain to it. To the extent that the allegations set forth in paragraph 1093 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 1093 of the Complaint.

1094. Insys denies the allegations set forth in paragraph 1094.

1095. Insys denies the allegations set forth in paragraph 1095.

1096. The allegations set forth in paragraph 1096 of the Complaint contain legal conclusions to which no response is required. To the extent that a response is required, Insys denies the allegations set forth in paragraph 1096 of the Complaint.

1097. Insys denies the allegations set forth in paragraph 1097.

1098. Insys denies the allegations set forth in paragraph 1098.

1099. Insys denies the allegations set forth in paragraph 1099.

1100. Insys denies the allegations set forth in paragraph 1100.

1101. Insys denies the allegations set forth in paragraph 1101.

1102. Insys admits that certain of its former executives and certain of its former employees have been indicted or have pleaded guilty. Insys denies the remaining allegations of paragraph 1102 that pertain to it. To the extent that the allegations set forth in paragraph 1102 of the Complaint are specific to Defendants and/or third parties unrelated to Insys, no answer is required of Insys; to the extent an answer is required, Insys denies the allegations set forth in paragraph 1102 of the Complaint.

1103. Insys denies the allegations set forth in paragraph 1103.

1104. Insys denies the allegations set forth in paragraph 1104.

1105. Insys denies the allegations set forth in paragraph 1105.

1106. Insys denies the allegations set forth in paragraph 1106.

1107. Insys denies the allegations set forth in paragraph 1107 and denies that Plaintiffs are entitled to relief.

## **TENTH CLAIM FOR RELIEF**

### **Unjust Enrichment (Against All Defendants)**

1108. Paragraph 1108 contains no factual allegations and requires no response. To the extent a response is required, Insys denies the allegations in paragraph 1108.

1109. Insys denies the allegations set forth in paragraph 1109.

1110. Insys denies the allegations set forth in paragraph 1110.

1111. Insys denies the allegations set forth in paragraph 1111.

1112. Insys denies the allegations set forth in paragraph 1112.

1113. Insys denies the allegations set forth in paragraph 1113.

1114. Insys denies the allegations set forth in paragraph 1114.

1115. Insys denies the allegations set forth in paragraph 1115.

1116. Insys denies the allegations set forth in paragraph 1116.

1117. Insys denies the allegations set forth in paragraph 1117.

1118. Insys denies the allegations set forth in paragraph 1118.

1119. Insys denies the allegations set forth in paragraph 1119.

1120. Insys denies the allegations set forth in paragraph 1120.

1121. Insys denies the allegations set forth in paragraph 1121.

## **ELEVENTH CLAIM FOR RELIEF**

### **Civil Conspiracy (Against All Defendants)**

1122. Paragraph 1122 contains no factual allegations and requires no response. To the extent a response is required, Insys denies the allegations in paragraph 1122.

1123. Insys denies the allegations set forth in paragraph 1123.

1124. Insys denies the allegations set forth in paragraph 1124.

1125. Insys denies the allegations set forth in paragraph 1125.

1126. Insys denies the allegations set forth in paragraph 1126.

1127. Insys denies the allegations set forth in paragraph 1127.

1128. Insys denies the allegations set forth in paragraph 1128.

1129. Insys denies the allegations set forth in paragraph 1129.

1130. Insys denies the allegations set forth in paragraph 1130.

1131. Insys denies the allegations set forth in paragraph 1131.

1132. Insys denies the allegations set forth in paragraph 1132.

1133. Insys denies the allegations set forth in paragraph 1133.

1134. Insys denies the allegations set forth in paragraph 1134.

1135. Insys denies the allegations set forth in paragraph 1135.

1136. Insys denies the allegations set forth in paragraph 1136 and denies Plaintiffs are entitled to relief.

#### **PRAYER FOR RELIEF**

1137. Insys denies that Plaintiffs are entitled to relief.

#### **AFFIRMATIVE AND OTHER DEFENSES**

Without assuming the burden of proof, Insys asserts the following defenses:

1. Failure to State a Claim. Plaintiffs fail to state a claim upon which relief can be granted. Among other deficiencies:

- Plaintiffs fail to plead any direct wrongdoing by Insys.
- Plaintiffs fail to allege all elements of their causes of action.
- Insys has no legal relationship with Plaintiffs from which any duty could arise and fail to plead any duty Insys owed or owes to Plaintiffs.

- Plaintiffs fail to plead alleged conduct by Insys with adequate specificity. Plaintiffs do not adequately distinguish among Defendants, their drugs, their drugs' labels, their promotional techniques, or the relevant time periods, and fail to specify what Insys is alleged to have done, when, where, and/or to whom.
- Plaintiffs fail to plead and cannot establish that they incurred any costs for SUBSYS® that was inappropriate or not medically unnecessary, or that Insys's allegedly improper conduct caused any health care provider to write any unnecessary, ineffective or harmful opioid prescriptions
- Plaintiffs fail to adequately allege a causal connection between Insys' alleged misconduct and Plaintiffs' alleged injury.
- Plaintiffs fail to plead a legally cognizable injury. Though Plaintiffs claim that they have been damaged by the Defendants' acts, they fail to plead any connection of any conduct by Insys to any alleged damages.
- Plaintiffs have failed to allege any particularized injury or special damages.
- Plaintiffs fail to plead any actionable misrepresentation, omission, or any conduct at all made by or attributable to Insys.

2. Failure to Plead Fraud. To the extent that Plaintiffs allege fraud, fraudulent concealment, or similar conduct, Plaintiffs have failed to plead fraud with sufficient particularity. Among other things, Plaintiffs acknowledge that SUBSYS® is regulated by the Food and Drug Administration (FDA). The FDA-approved product label for SUBSYS® has, at all relevant times, fully disclosed the risks of abuse, misuse, addiction, which can lead to overdose or death, and of the potential adverse effects (including dependence, tolerance, addiction, and death), the indications and dosing for SUBSYS®, among other things. In addition, SUBSYS® has at all times

been subject to the FDA-mandated Transmucosal Immediate Release Fentanyl (TIRF) Risk Evaluation Mitigation Strategy (REMS) program, which ensures that anyone who will prescribe, dispense or receive SUBSYS® outside of a hospital setting fully understands the risks of prescribing and using SUBSYS®.

3. Lack of Reliance. Plaintiffs' claims may be barred, in whole or in part, because neither the medication users nor their prescribers relied to their detriment upon any statement by Insys in determining to prescribe or use the medications at issue. Among other things, Plaintiffs acknowledge that SUBSYS® is regulated by the Food and Drug Administration (FDA). The FDA-approved product label for SUBSYS® has, at all relevant times, fully disclosed the risks of abuse, misuse, addiction, which can lead to overdose or death, and of the potential adverse effects (including dependence, tolerance, addiction, and death), the indications and dosing for SUBSYS®, among other things. In addition, SUBSYS® has at all times been subject to the FDA-mandated Transmucosal Immediate Release Fentanyl (TIRF) Risk Evaluation Mitigation Strategy (REMS) program, which ensures that anyone who will prescribe, dispense or receive SUBSYS® outside of a hospital setting fully understands the risks of prescribing and using SUBSYS®.

4. TIRF-REMS. The claims asserted in the Complaint regarding SUBSYS® are barred, in whole or in part, by the FDA-approved TIRF REMS Program, including, but not limited to, the requirements imposed on prescribers of TIRF medicines and patients.

5. Speculative and Remote Injuries. The alleged injury asserted by Plaintiffs is too remote from the alleged conduct of Insys to be a basis for liability as a matter of law and due process. For example, Insys did not even begin selling SUBSYS® until March 2012, could not have caused the alleged opioid epidemic that pre-existed its launch of SUBSYS®, or played any part in alleged "misrepresentations" or "scheme" that Plaintiffs alleged caused an opioid epidemic.



6. Failure to Identify Medically Unnecessary or Improper Prescriptions. Plaintiff's claims are barred and should be dismissed under Fed. R. Civ. P. 41(b) and any other applicable rules because Plaintiffs have not complied with the Court's case management orders, including CMO-1, and because Plaintiffs have refused to identify the allegedly inappropriate, unnecessary, or otherwise improper SUBSYS® prescriptions that they contend are at issue and on which they base their claims. To the extent SUBSYS® was prescribed at all in the Plaintiffs' jurisdictions, SUBSYS® prescriptions constituted a non-material percentage of the opioids sold in the jurisdictions.

7. Intervening and Superseding Causes. To date, Plaintiffs have failed to identify any injury or damages caused by Insys and have failed to identify a single prescription of SUBSYS® Plaintiffs paid for or that was medically unnecessary or improper. However, if Plaintiffs have sustained any injuries or damages, such were the result of intervening or superseding events, factors, occurrences, or conditions, which were not reasonably foreseeable and in no way caused by Insys and for which Insys is not liable. The following non-exhaustive list of alternative causes may, in whole or in part, address Plaintiffs' claim of causation and proximate causation, render the damages too remote as a matter of law, and/or interrupt or break the chain of causation that Plaintiffs must prove between Insys' alleged conduct and the purported harms described in the Corrected Second Amended Complaint:

- Plaintiffs' failure to exercise due care or properly discharge their duties or exercise their discretion in the assessment and decision of whether to authorize or approve the payment of claims for medications or medical services.
- Criminal drug trafficking and other means of criminal diversion of prescription drugs from legitimate channels of distribution and dispensation, and/or re-sale

or re-distribution via illegal channels to and/or use by individuals without lawful prescriptions.

- An individual's failure to follow a physician's or other prescriber's directions for use of prescription opioid medications.
- Illicit use or abuse of SUBSYS® on the part of medication users.
- Alteration, modification, misuse, or abuse on the part of medication users of SUBSYS®.
- Wrongful or negligent conduct by physicians or other prescribers, including, for example, submission of fraudulent prescriptions, writing prescriptions for patients who do not have a medically proper use for them, failure to attend to the risk of abuse and addiction, and operation of a "pill mill."
- Wrongful or negligent conduct by a pharmacy, including, for example, dispensing of prescription medications without a proper prescription or failure to report indications of diversion, abuse, or addiction.
- Use, misuse, or abuse of illegal drugs or medications other than SUBSYS® on the part of medication users.

8. No Criminal Conviction, Criminal Predicate Act or Injury under O.R.C. §2307.60.

Plaintiffs' claims, including their claims under O.R.C. §2307.60 is barred because Plaintiffs have not and cannot identify a criminal predicate act sufficient to give rise to liability under the statute, a conviction, or that Plaintiffs suffered any injury that resulted from the alleged criminal act.

9. Preexisting Conditions and Idiosyncratic Reactions. Plaintiffs' injuries and damages, if any, are barred to the extent they were due to preexisting conditions, idiosyncratic reaction to the medications on the part of the medication users, and/or occurred by operation of

nature or as a result of circumstances over which Insys had, and continues to have, no control.

10. Learned Intermediary Doctrine. Plaintiffs' claims are barred by the learned intermediary doctrine. At all relevant times, the physicians and other health care providers that prescribed an opioid medication that was filled with an Insys product were in the position of learned intermediaries, who used their independent medical judgment in making their prescribing and treatment decisions for a given patient. Those prescribers had many sources of information about Insys' medications available to them, including the FDA-approved product labeling for the Reference Listed Drug for Insys' product that informed prescribers of the risks and benefits of the medication, and those prescribers relied on a variety of factors separate from and unrelated to Insys' alleged misrepresentations in making their prescribing decisions.

11. Sophisticated User Doctrine. Plaintiffs' claims are barred by the sophisticated user doctrine. Because of their training and experience, physicians and other health care providers who prescribe opioids know or reasonably should know of the potential risks, and Insys had no duty to warn and cannot be held liable for failing to warn of risks and complications of which members of the relevant medical community knew or should have known.

12. Informed Consent. The physicians and other health care providers who prescribe FDA-approved opioid medications have a duty to provide patients with material information so they can make informed decisions about a proposed treatment, and Insys is entitled to rely on this duty—as well as the prescribers' professional education, training and experience with respect to potential risks and complications associated with opioid medications. Because prescribers were provided with adequate warnings, Insys is entitled to rely on prescribers' provision of information to patients and Plaintiffs' claims are barred by patients' provision of informed consent.

13. Abrogation. Plaintiffs' common law and public nuisance claims have been

abrogated by the Ohio Products Liability Act.

14. No Liability for Third Party Conduct. Plaintiffs' claims against Insys, and Plaintiffs' damages, are barred to the extent that any rely on or implicate the negligent, intentional, malicious, criminal, and/or otherwise unlawful acts or omissions of third parties not subject to Insys' control or authority and for which Insys is not responsible and cannot be held liable. These include, but are not limited to, health care providers, prescribers, patients, and other third parties whom Plaintiffs allege disseminated fraudulent, deceptive, or misleading statements and marketing materials regarding opioid products and/or engaged in the unauthorized or illicit prescription, dispensing, diversion, or use of prescription opioid products. Insys' liability, if any, therefore must be reduced or negated to the extent that third parties have contributed to, or caused, Plaintiffs' injuries.

15. Failure to Mitigate. Plaintiffs' claims are barred, in whole or in part, by Plaintiffs' failure to mitigate any damages allegedly sustained.

16. Contributory or Comparative Fault. Plaintiffs' claims are barred and/or reduced by contributory or comparative negligence and contributory or comparative fault.

17. Caps on Recovery. Plaintiffs' claims are barred, reduced and/or limited pursuant to applicable statutory and common law regarding limitations of awards, caps on recovery, and setoffs.

18. Statute of Limitations and/or Repose. Plaintiffs' claims are barred, in whole or in part, by the applicable statutes of limitations and of repose.

19. Laches, Waiver, Unclean Hands, Estoppel. Plaintiffs' claims are barred, in whole or in part, by doctrines of laches, waiver, unclean hands, and/or estoppel.

20. First Amendment and Related Rights and Protections. To the extent that Plaintiffs'

claims relate to Insys's advertising, public statements, membership or participation in advocacy or other organizations, lobbying, or other activities protected by the First Amendment to the Constitution of the United States or by Article I, §11 of the Constitution of the State of Ohio or that of any other state whose laws may apply, such claims are barred.

21. Failure of Exemplary Damages. Plaintiffs' claims for punitive or exemplary damages or other civil penalties are barred or reduced under the Fifth, Eighth, and Fourteenth Amendments of the United States Constitution, and Article I, §§ 1, 2, 9, 10, 16, and 19 of the Constitution of Ohio. Any law, statute or other authority purporting to permit the recovery of punitive damages or civil penalties in this case is unconstitutional, facially and as applied, to the extent that, without limitation, it: (1) lacks constitutionally sufficient standards to guide and restrain the jury's discretion in determining whether to award punitive damages or civil penalties and/or the amount, if any; (2) is void for vagueness in that it fails to provide adequate advance notice as to what conduct will result in punitive damages or civil penalties; (3) unconstitutionally may permit recovery of punitive damages or civil penalties based on harms to third parties, out-of-state conduct, conduct that complied with applicable law, or conduct that was not directed, or did not proximately cause harm, to Plaintiffs; (4) unconstitutionally may permit recovery of punitive damages or civil penalties in an amount that is not both reasonable and proportionate to the amount of harm, if any, to Plaintiffs and to the amount of compensatory damages, if any; (5) unconstitutionally may permit jury consideration of net worth or other financial information relating to Insys; (6) lacks constitutionally sufficient standards to be applied by the trial court in post-verdict review of any award of punitive damages or civil penalties; (7) lacks constitutionally sufficient standards for appellate review of any award of punitive damages or civil penalties; (8) would unconstitutionally impose a penalty, criminal in nature, without according to Insys the same

procedural protections that are accorded to criminal defendants under the constitutions of the United States, this State, and any other state whose laws may apply; and (9) otherwise fails to satisfy Supreme Court precedent, including, without limitation, *Pacific Mut. Life Ins. Co. v. Haslip*, 499 U.S. 1 (1991); *TXO Production Corp. v. Alliance Resources, Inc.*, 509 U.S. 443 (1993); *BMW of N. Am. v. Gore*, 517 U.S. 559 (1996); *State Farm Ins. Co. v. Campbell*, 538 U.S. 408 (2003); and *Philip Morris USA v. Williams*, 549 U.S. 346 (2007).

22. No Conduct Sufficient for Punitive Damages. No act or omission of Insys was malicious, willful, wanton, or was undertaken under circumstances in which reckless disregard may be inferred. No act or omission of Insys was pursued intentionally for the purpose of causing injury or damage, and, consequently, any award of punitive damages is barred.

23. Pre-Market Approval. To the extent that Plaintiffs seek punitive, exemplary, or aggravated damages, any such damages are barred because the product at issue, and its warnings and labeling, were subject to and received pre-market approval by the FDA under 52 Stat. 1040, 21 U.S.C. § 301.

24. Improper Financial Arrangement. Insys' rights under the Due Process Clause of the U.S. Constitution and applicable state Constitution or statute are violated by any financial or other arrangement that might distort a government attorney's duty to pursue justice rather than his or her personal interests, financial or otherwise, in the context of a civil enforcement proceeding. To the extent a contingency fee agreement gives Plaintiffs' counsel a financial interest in the outcome of this proceeding, it violates Insys' due process rights.

25. Lawful Activity. Insys's liability, if any, will not result from its conduct but is solely the result of an obligation imposed by law, and thus Insys is entitled to complete indemnity, express or implied, by other parties.

26. Several Liability and Allocation. Any defendant's liability must be limited in accordance with the percentage of fault allocated to it by the ultimate trier of fact and/or law. Each defendant may only be severally liable for any injuries or expenses. Plaintiffs' alleged damages are not indivisible but comprise separate and discrete costs.

27. Set-Off. Should Insys be held liable to Plaintiffs, which liability is specifically denied, Insys would be entitled to a set-off for all sums of money received or available from or on behalf of any tortfeasor(s) for the same injuries alleged in the Corrected Second Amended Complaint.

28. Venue. Venue may be improper and/or inconvenient in this Court.

29. Primary Jurisdiction. The claims asserted in the Complaint are barred, in whole or in part, because federal agencies have exclusive or primary jurisdiction over the matters asserted in the Complaint.

30. Preemption. Plaintiffs' claims are barred because they are preempted by federal law and regulation, including by the U.S. Food, Drug, and Cosmetic Act, the regulations promulgated pursuant thereto, and the Supremacy Clause of the United States Constitution. To the extent the plaintiffs' claims are based on alleged misrepresentations made to the U.S. Food and Drug Administration ("FDA"), such claims are barred pursuant to *Buckman Co. v. Plaintiff's Legal Committee*, 531 U.S. 341 (2001).

31. Agency Deference. Plaintiffs' claims are barred, in whole or in part, by the deference that common law gives to discretionary actions by the FDA under the FDCA and regulations promulgated under the FDCA.

32. Compliance with Law and Regulations. The conduct of Insys conformed with the FDCA and the requirements of the FDA. Moreover, the activities of Insys alleged in the Corrected

Second Amended Complaint conformed with all state and federal statutes, regulations, and industry standards based upon the state of knowledge existing at the relevant times alleged in the Complaint.

33. State of the Art. Plaintiffs may not recover from Insys because the methods, standards, or techniques of designing, manufacturing, labeling and distributing of the prescription medications at issue complied with and were in conformity with the generally recognized state of the art at the time the product was designed, manufactured, labeled, and distributed.

34. Statements Not Misleading. Statements in Insys' marketing materials comporting with FDA-approved uses are not misleading as a matter of law or otherwise actionable.

35. Due Process and Ex Post Facto. Plaintiffs' claims are barred because they violate procedural and substantive due process rights under the Fourteenth Amendment to the U.S. Constitution and Article I, § § 1, 2, 16, and 19 of the Constitution of Ohio, and the right to be free from retroactive or ex post facto laws as guaranteed by Article I, § 10 of the United States Constitution and Article II, § 28 of the Constitution of Ohio.

36. Commerce Clause. Plaintiffs' claims are barred, in whole or in part, by the Commerce Clause of the United States Constitution.

37. Failure to Join Indispensable Parties. Plaintiffs have failed to join one or more necessary and indispensable parties, including without limitation health care providers, prescribers, patients, and other third parties whom Plaintiffs allege engaged in the unauthorized or illicit prescription, dispensing, diversion, or use of prescription opioid products.

38. Economic Loss Rule. Plaintiffs' claims against Insys are barred or limited by the economic loss rule.

39. Res Judicata and Collateral Estoppel. Plaintiffs' claims against Insys are barred by



the doctrines of res judicata and collateral estoppel.

40. Adequate Remedy at Law. To the extent Plaintiffs attempt to seek equitable relief, Plaintiffs are not entitled to such relief because Plaintiffs have an adequate remedy at law.

41. Duplicative or Double Recovery. Plaintiffs' claims are barred, in whole or in part, to the extent they seek to recover any damages, restitution, costs, or other payments that have been reimbursed, paid or borne by other persons or entities. Any verdict of judgment that might be recovered must be reduced by those amounts that have already been or will in the future, with reasonable certainty, be paid to plaintiffs by others.

42. No Benefit from Plaintiffs. Plaintiffs' claim for unjust enrichment is barred or limited because Insys did not receive and retain any alleged benefit from Plaintiffs.

43. Standing. Plaintiffs' claims are barred or limited for lack of standing. Plaintiffs have no *parens patriae* or other authority to bring the claims alleged, and Plaintiffs fail to plead any basis for standing. Plaintiffs lack standing, for among other reasons, under the "statewide concern doctrine." *See Reading v. Pub. Util. Comm'n*, 846 N.E.2d 840, 846 (Ohio 2006); *Am. Fin. Servs. Ass'n v. Cleveland*, 858 N.E.2d 776, 781 (Ohio 2006).

44. Subrogation. Plaintiffs have failed to comply with the requirement that they identify each patient in whose claim(s) it has a subrogation interest.

45. Assumption of Risks. Any recovery against Insys is barred or limited under the principle of assumption of the risk.

46. Known Risks. Plaintiff's claims are barred, in whole or in part, to the extent they are based on alleged harms resulting from known risks or dangers associated with opioid products that are unavoidable even within the scope of prescribed and intended use, but that are reasonable in comparison to the benefits conferred.

47. Constraints on Police Powers. Plaintiffs' claims and damages are barred or limited, in whole or in part, by common law, statutory, and state constitutional constraints on the exercise of police powers by a state county or municipality.

48. No Proximate Cause. Plaintiffs' damages, if any, were not proximately caused by any act or omission attributable to Insys.

49. Separation of Powers. Plaintiffs' claims are barred or limited by the separation of powers doctrine.

50. No Nuisance Provisions in Local Law. Plaintiffs' public nuisance claim is barred or limited to the extent not encompassed by any nuisance provisions of its own applicable county or municipal codes or regulations.

51. No Public Right. Plaintiffs' claim of public nuisance is barred or limited because no action of Insys involved interference with real property, illegal conduct perpetrated by third-parties involving the use of an otherwise legal product does not involve a public right against the manufacturer sufficient to state a claim for public nuisance, the alleged public nuisance would have impermissible extraterritorial reach, and the alleged conduct of Insys is too remote from the alleged injury as a matter of law and due process.

52. Nuisance Statutes Unconstitutionally Vague. Plaintiffs' statutory nuisance claim is barred because the statutes upon which Plaintiffs rely, including O.R.C. §§715.44, 3767.01 *et seq.*, 4729.35 are unconstitutionally vague.

53. Improper Joinder. Plaintiffs' claims against Insys and other defendants do not arise out of the same transaction, occurrence, or series of transactions or occurrences as required by the rules for joinder of parties. Plaintiffs fail to connect any of the alleged marketing activities of Insys to those of other defendants. Accordingly, the Court should dismiss Plaintiffs' claims against

Insys.

54. Ratification and Voluntary Payment Doctrine. Plaintiffs' alleged losses, damages, injuries, harms, expenses, diminutions, or deprivations, if any, were caused in whole or in part by Plaintiffs' ratification of Defendants' alleged conduct, including under the voluntary payment doctrine. Such ratification would include, for example, Plaintiffs' continued allowance of opioid prescriptions after it had concluded such prescriptions were ineffective or harmful to their patients, constituents, members, beneficiaries, and/or consumers, medically unnecessary, or otherwise improper.

55. Limits on Relief Available. Plaintiffs are not entitled to a declaratory judgment, injunction, or attorney's fees/legal expenses for these alleged claims.

56. Municipal Cost Recovery Rule. Plaintiffs cannot recover the costs of provision of governmental services as damages.

57. Supremacy Clause. The Plaintiffs' claims violate the Supremacy Clause of the United States Constitution.

58. Failure of Restitution or Rescission. Plaintiffs are not entitled to any relief in the form of restitution or rescission because they cannot restore the *status quo ante*.

59. Controlling Law. Insys is entitled to, and claims the benefit of, all defenses and presumptions set forth in or arising from any rule of law or statute of this State or any other state whose substantive law might control the action.

60. Incorporation of Other Affirmative Defenses. Insys incorporates by reference any affirmative defense alleged by another defendant in response to the Corrected Second Amended Complaint.

61. Reservation of Rights. Insys intends to add and rely upon such other and further

defenses as may become apparent or available during the discovery in this action, and reserves the right to amend this list of defenses and/or to Amend its Answer to the Corrected Second Amended Complaint and/or to assert any such defenses in the future.

**JURY DEMAND**

Insys hereby requests a jury trial for all issues triable by jury including, but not limited to, those issues set forth in any subsequent amended or supplemental complaint.

Dated: January 15, 2019

Respectfully submitted,

/s/ J. Matthew Donohue

J. Matthew Donohue (OSB No. 065742)  
Joseph L. Franco (OSB No. 073913)  
HOLLAND & KNIGHT LLP  
2300 US Bancorp Tower  
111 SW Fifth Ave.  
Portland, OR 97204  
Tel: (503) 243-2300  
Fax: (503) 241-8014  
Email: matt.donohue@hklaw.com  
Email: joe.franco@hklaw.com

Nicholas A. Sarokhanian  
HOLLAND & KNIGHT LLP  
200 Crescent Court #1600  
Dallas, Texas 75201  
Tel: (214) 964-9500  
Fax: (214) 964-9501  
Email: nicholas.sarokhanian@hklaw.com

*Counsel for INSYS Therapeutics, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing document was served on all counsel registered with the Court's CM/ECF service on January 15, 2019.

/s/ J. Matthew Donohue  
J. Matthew Donohue